

CHALLENGES IN CONTEMPORARY THEOLOGY

AQUINAS ON THE SUPREME COURT

Race, Gender, and the Failure of Natural Law
in Thomas's Biblical Commentaries



Eugene F. Rogers Jr.

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AQUINAS AND THE SUPREME COURT

Challenges in Contemporary Theology

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Natura comparatur ad caritatem . . . sicut materia ad formam.

Nature is compared to charity . . . as matter to form.

Thomas Aquinas, *Summa theologiae*, II-II.2.9 *ad* 1



Mosaics flanking dedication inscription above the west portal of Santa Sabina in Rome, ca. 432. For commentary see Conclusion. © Holly Hayes / Art History Images

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 **WILEY-BLACKWELL**

A John Wiley & Sons, Ltd., Publication

This edition first published 2013
© 2013 John Wiley & Sons, Ltd

Wiley-Blackwell is an imprint of John Wiley & Sons, formed by the merger of Wiley's global Scientific, Technical and Medical business with Blackwell Publishing.

Registered Office

John Wiley & Sons Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

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350 Main Street, Malden, MA 02148-5020, USA

9600 Garsington Road, Oxford, OX4 2DQ, UK

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Library of Congress Cataloging-in-Publication Data

Rogers, Eugene F.

Aquinas and the Supreme Court : Race, Gender, and the Failure of Natural Law in Thomas's Biblical Commentaries / Eugene F. Rogers Jr.

pages cm

Includes bibliographical references and index.

ISBN 978-1-118-39116-7 (cloth)

1. Thomas, Aquinas, Saint, 1225?-1274. 2. Natural law. I. Title.

B765.T54R623 2013

189'.4-dc23

2012046976

A catalogue record for this book is available from the British Library.

Cover image: *Ecclesia ex gentibus* and *Ecclesia ex circumcisione*, details of 5th century mosaic in the church of Santa Sabina, Rome. © Holly Hayes / Art History Images

Cover design by Workhaus

Set in 11.5/13 pt Bembo by Toppan Best-set Premedia Limited

For my father, who wanted me to be a lawyer

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Acknowledgments

The chapters of this book accumulated over many years in many venues, while other books came in between. For that reason these chapters also incurred many debts of gratitude both to readers and institutions, as well as to editors and anonymous referees at this and other publishers. Among the former I wish to thank the University of Virginia for summer grants in several years and an appointment to the Shannon Research Center in 1996–1997, enabling me to publish the earlier articles. The National Humanities Center supported a delightful year in 1998–1999 that saw the publication of Chapters 5 and 6 in *Sexuality and the Christian Body*. The University of North Carolina at Greensboro awarded me a Research Assignment in 2007–2008 and a Summer Excellence Grant in 2012 to work on the project, as well as Regular Faculty Grant and a Kohler Grant in 2008 to visit images of *Ecclesia* and *Synagoga*, such as the one on the cover. Most pleasantly the Tantur Institute for Ecumenical Studies in Jerusalem, a division of Notre Dame University, hosted me for seven months in 2009–2010. The National Endowment for the Humanities also awarded me a Summer Stipend in 2012. Finally, I completed the book and saw it through the press while at the Center of Theological Inquiry in Princeton on a generous grant from the Templeton Foundation, at the same time writing my next book, *The Analogy of Blood*.

Readers who offered comment and administrators who offered support on at least one chapter or piece of argument, some in the distant past, include Lewis Ayres, Jim Buckley, John Bowlin, David Burrell, Jim Childress, Brevard Childs, Bob Connor, Joe-Gus DiNoia

(who gave me my first *Summa*), Reginald Foster (who taught me to look up the Latin words you already know), Paula Fredriksen, John Gager, Stanley Hauerwas, Russ Hittinger, Robert Jenson, Greg Jones, Serene Jones, Mark Jordan, John Kelsay, David Kelsey, Fergus Kerr, George Lindbeck, Gerard Loughlin, Michael McGarry, Kent Mullikin, Ernan McMullin, Rob MacSwain, Joe Mangina, Bruce Marshall, Dale Martin, David Novak, Otto Hermann Pesch, Victor Preller, Max Seckler, Kendall Soulen, Janet Soskice, Will Storrar, Jeffrey Stout, Kathryn Tanner, Bill Werpehowski, Dan Westberg, Diane Yeager, and David Yeago. I also wish to thank the groups who invited me to give papers on parts of this material: the Narrative Theology Group of the American Academy of Religion, the Religion Department of Princeton University, the Papal Observatory in Castel Gandolfo, and the American Theological Society. For errors of fact, tact, interpretation, and judgment I have only myself to thank.

I have almost more gratitude to anonymous reviewers for journals, presses, and granting agencies who could be more frank, whether in puzzlement or praise. I have special thanks for Dean Timothy Johnston for his generous support of the Religious Studies Department in fat years and lean, and for Pat Bowden, its beloved administrator. Above all I thank my student and research assistant Joseph Naron, without whom I could hardly have finished the book, and who made the marvelous indices. At Wiley-Blackwell I wish to thank Rebecca Harkin, my editor for several books now; Isobel Bainton, her able assistant; Leah Morin, the project manager, and Jacqueline Harvey, my patient copy-editor. Finally I wish to thank my partner, Derek Krueger, who takes wonderful care of me when I am beset by the demon of finishing and who married me when the church was ready, in 2006.

With the exception of Chapters 1 to 3, the essays in this volume first came out in other settings and appear here with light to moderate revisions. Where the copyright lies with the earlier publisher, Wiley-Blackwell and I gratefully acknowledge permission to reproduce the material in this book. Details of original publication are as follows:

Chapter 4: "How the Virtues of an Interpreter Presuppose and Perfect Hermeneutics." *Journal of Religion* 76 (1996): 64–81. © University of Chicago Press, 1996.

Chapter 5: “The Narrative of Natural Law in Thomas’s Commentary on Romans 1.” *Theological Studies* 59 (1998): 254–276. © Theological Studies, 1998.

Chapter 6: “Aquinas on Natural Law and the Virtues in Biblical Context: Homosexuality as a Test Case.” *Journal of Religious Ethics* 27 (1999): 29–56. © Blackwell Publishing Ltd, 1999.

Chapter 7: “Thomas and Barth in Convergence on Romans 1?” *Modern Theology* 12 (1996): 57–84. © Blackwell Publishing Ltd, 1996.

Chapter 8: “Faith and Reason Follow Glory.” In Joseph Wawrykrow and Rik van Nieuwenhove (eds.), *The Theology of Thomas Aquinas* (Notre Dame, IN: University of Notre Dame Press, 2005), pp. 442–459.

Chapter 9: “Bodies Demand Language: Aquinas and Butler: The Vice against Nature and the Nature of Lying.” In Gerard Loughlin (ed.), *Queer Theology* (Oxford: Blackwell, 2007), pp. 176–187. © Blackwell Publishing Ltd, 2007.

Chapter 10: “The Eclipse of the Spirit in Thomas Aquinas.” In Robert MacSwain and Jeffrey Stout (eds.), *Grammar and Grace: Aquinas and Wittgenstein* (London: SCM Press, 2004), pp. 136–153.

Chapter 11: “Thomas Aquinas on Knowing and Coming to Know: The Beatific Vision and Learning from Contingency.” In David Burrell, Carlo Cogliati, Janet M. Soskice, and William R. Stoeger (eds.), *Creation and the God of Abraham* (Cambridge: Cambridge University Press, 2010), pp. 238–258. © Cambridge University Press, 2010. Reprinted with permission.

Chapter 12: “Romans on the Gender of Gentiles.” *Soundings: An Interdisciplinary Journal* 94 (2011): 359–374. © The Society for Values in Higher Education and The Florida State University, Tallahassee.

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Bibliographic Note

Bare references appear in parentheses in the text. For that reason I give the shortest possible version of the smallest textual unit. For modern authors, this is the author's name and page number, differentiated by date (before a colon) only if necessary. Full information appears in the list of references at the end of each chapter. For medieval authors like Aquinas, however, the author (date) page system yields ludicrous results.

For readers unused to the *Summa theologiae*, let me explain that it is divided into four parts – I, I-II (the First Part of the Second Part), II-II (the Second Part of the Second Part), and III – which in turn are divided into numerous “questions,” or inquiries, and the questions into “articles,” the main units of argument. It is the article, rather than the “question,” that takes a yes–no form, beginning with “whether.” Thus, “Whether God exists” is an article. A “question” is a *quaestio*, or search, collecting several articles. An article's structure builds in a real or constructed dispute, opening with at least three “objections,” which briefly state positions that Aquinas *does not hold*. They begin “it would *seem*,” but you know, from the form, that the objection is not really Aquinas's considered view. The objections are followed by a very short citation of authority, a warrant or pivot, called the *sed contra*, or “on the other hand.” The *sed contra* usually does indicate Aquinas's own view. The *sed contra* is followed by a response, also called the body or corpus of the article, in which Aquinas explains his own position. Frequently Aquinas's view qualifies the “yes” or “no” implied by the *sed contra* to concede correct points and make distinctions.

Replies to the objections follow the response. In rare cases, the response goes down the middle between the objections and the *sed contra*, and we find a reply also to the *sed contra* (then called the objection on the other side).

Readers unused to this system may prefer to *read the response first*, taking in the *sed contra*, and then the replies to the objections, and finally, to check the context, the objections that occasion the replies and frame the response. After some practice, it will come to seem more natural to start, as Aquinas does, with the objections, so that the response has some drama to it. One learns to read the objections thinking “it would seem” means he’s going to disagree, but how is he going to get out of this bind?

Two sorts of remarks lie outside the article structure. Paragraphs introducing whole parts are called prologues (= prol.). Organizing material that comes before an article, baring the structure, is called a proemium (= proem.) to it.

Most of my references come from the *Summa theologiae* or from the biblical commentaries. I refer to the *Summa theologiae* as the *Summa* and cite it by part, question, article, and part of article (*sed contra* = *sc*; body = corpus = response = *respondeo* = *c*; reply to an objection = *ad* 1, *ad* 2, etc.; and an objection itself = obj.). Thus I-II.90.1 *ad* 2 refers to the First Part of the Second Part, question 90, article 1, reply to the second objection. Since the response is the longest part of an article, references can specify where in a response to look: *in init.* = at the beginning; *ca. med.* = around the middle; *post med.* = after the middle; and *in fin.* = at the end. A citation consisting only of roman numerals and numbers in that format always refers to the *Summa theologiae*. If I refer to the *Summa contra Gentiles* or the *Commentary on the Sentences* of Peter Lombard, then I will specify *Contra Gentiles* or SCG or *In Sent.*

The Latin preposition *in* means, in citations, a commentary “on” another work. Thus *In Sent.* is the *Commentary on the Sentences*. *In Rom.* is the *Commentary on Paul’s Epistle to the Romans*. *In Jo.* is the *Commentary on the Gospel of John*, and so on. Aquinas’s biblical commentaries are traditionally cited by book and lecture, or *lectio* (= *lect.*). But the paragraphs receive numbers in the best edition, published by Marietti in Turin, whereas the *lectio* looks like a verse number, of which it gives no indication, so that the reader cannot tell from the citation itself which verse Aquinas is treating. So I

have modified that system to be more precise. I cite according the Marietti paragraph numbers, and if relevant I also note the verse on which Aquinas is commenting. Thus *In Rom.* 1:20, §97 means Marietti paragraph 97, where Aquinas comments on Romans 1:20.

Translations from the *Summa theologiae* are my own or depend upon the older, Benziger Brothers edition because it is often so literal that the practiced reader can back-translate into the Latin (except for Chapter 5, which uses the Blackfriars edition). I have, however, modified it without comment to bring out nuances of the Latin, avoid gendered pronouns, or make corrections. I reserve comment for the very rare cases in which the Benziger edition makes it impossible to recover the sense of the Latin. Translations of other works, including the *Commentary on Romans*, are my own unless noted.

In the phrase “Thomas Aquinas,” “Thomas” is his name and “Aquinas” is a Latin adjective of place, meaning “from Aquino.” Theologians, medievalists, and Latinists prefer to call him simply “Thomas,” and I would too, except that nonspecialists tend to call him Aquinas. I do so here out of hospitality to them.

List of Abbreviations

I have used the Marietti editions of the *Summa theologiae* and the commentaries on the Pauline epistles. The other texts can be found in *S. Thomae Aquinatis opera omnia ut sunt in indice thomistico*, ed. Roberto Busa, 7 vols. (Stuttgart–Bad Cannstatt: Friedrich Frommann-Holzboog). The texts are sometimes catalogued as an appendix to the index, *Index thomisticus*. References are cited by abbreviated title from the largest to the smallest text division, separated by periods. The texts can also be accessed online at www.corpusthomisticum.org.

Dates are from Jean-Pierre Torrell, *Saint Thomas Aquinas*, vol. 1: *The Person and His Work*, trans. Robert Royal (Washington, DC: Catholic University of America Press, 1996).

References to the Vulgate, cited by chapter and verse, are to *Biblia Sacra iuxta vulgatam versionem*, ed. Robert Weber, with the assistance of Boniface Fischer, Johannes Gribmont, H. F. D. Sparks, and W. Thiele, 2 vols. (Stuttgart: Deutsche Bibelgesellschaft, 1983).

CG	<i>Summa contra gentiles</i> (1259–1264). In Thomas Aquinas, <i>Opera omnia</i> , ed. Busa, vol. 2, pp. 1–152.
De malo	<i>Quaestiones disputatae de malo</i> (1270–1271). In Thomas Aquinas, <i>Opera omnia</i> , ed. Busa, vol. 3, pp. 269–352.
De pot.	<i>Quaestio disputata de potentia</i> (1265–1266). In Thomas Aquinas, <i>Opera omnia</i> , ed. Busa, vol. 3, pp. 186–289.

- De prin. nat.* *De principiis naturae* (1252–1256?). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 3, pp. 587–588.
- De spir. creat.* *De spiritualibus creaturis* (1267–1268). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 3, pp. 352–368.
- De stud.* *De modo studendi: epistola exhortatoria de modo studendi ad fratrem Ioannem* (date unknown). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 6, p. 580.
- De Trin.* *In librum Boethii de Trinitate* (1257–1258 or 1259). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 4, pp. 520–539.
- De ver.* *Quaestiones disputatae de veritate* (c.1256/9). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 3, pp. 1–186.
- In 1 Cor.* *Super primam Epistolam ad Corinthios lectura* (1263–1265, 1271–1272). P. Raphael Cai, OP (ed.), *Super epistolas S. Pauli lectura*, 8th rev. edn, 2 vols. (Turin: Marietti, 1953), vol. 1, pp. 231–374 (cited by chapter, verse, and paragraph).
- In De anima* *Sentencia in libri de anima* (1267). In *Opera omnia iussu Leonis XIII P.M. edita* (Rome: Commissio Leonina, 1984), vol. 45/1.
- In Eth.* *Sententia libri Ethicorum* (1271–1272). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 4, pp. 143–234.
- In Gal.* *Super epistolam ad Galatas lectura* (1272–1273 or 1265–1268). P. Raphael Cai, OP (ed.), *Super epistolas S. Pauli lectura*, 8th rev. edn, 2 vols. (Turin: Marietti), vol. 1, pp. 563–649 (cited by chapter, verse, and paragraph).
- In Heb.* *Super epistolam ad Hebraeos lectura* (1265–1268). P. Raphael Cai, OP (ed.), *Super epistolas S. Pauli lectura*, 8th rev. edn, 2 vols. (Turin: Marietti), vol. 2, pp. 335–506 (cited by chapter, verse, and paragraph).
- In Jo.* *Super evangelium S. Joannis lectura* (1270–1272). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 6, pp. 228–321.

- In Meta.* *In libros Metaphysicorum* (1270–1271). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 4, pp. 390–507.
- In Mt.* *Reportatio super evangelium Matthaei* (1269–1270). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 6, pp. 130–227.
- In Post. anal.* *Expositio in libri Posteriorum analyticorum* (1271–1272). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 3, pp. 273–331.
- In praec.* *Opusculum in duo praecepta caritatis et in decem praecepta legis* (1273). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 6, pp. 26–33.
- In Rom.* *Super epistolam ad Romanos lectura* (1271/1272–1273). P. Raphael Cai, OP (ed.), *Super epistolas S. Pauli lectura*, 8th rev. edn, 2 vols. (Turin: Marietti, 1953), vol. 1, pp. 1–230 (cited by chapter, verse, and paragraph).
- In Sent.* *Scriptum super libros Sententiarum* (1252–1256). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 1.
- Quodl.* *Quaestiones de quodlibet I–XII* (1268–1272). In Thomas Aquinas, *Opera omnia*, ed. Busa, vol. 3, pp. 438–501.
- ST* *Summa theologiae* (1266–1273). Thomas Aquinas, *Summa theologiae cum textu ex recensione Leonina*, ed. Petrus Caramello (Turin: Marietti, 1952) (cited by part, question, article, and part of article).

Aquinas on the Supreme Court – and on the Bible, or How to Read This Book

Aquinas on the Bible and the Court

Contemporary accounts of what’s “natural” for human society still cite the thirteenth-century system of Thomas Aquinas – even on the Supreme Court. But those accounts ignore his biblical commentaries, which reveal something much stranger. Against the reigning impression, the commentaries embed all law, even the law of nature, in a sexually charged story of decline by specific ethnic groups – Jews and Gentiles – gendered in changing ways and redeemed by the reinsemination of divine grace. This book uses accounts of ethnicity and gender, nature and grace in Aquinas’s biblical commentaries to reframe the systematic works (especially his *Summa theologiae*) still quoted in court.

The whole advantage of natural law is supposed to lie in its independence from any particular group, history, or religion. That is why rival views of gender and sexuality both appeal to “nature” and cite Aquinas. But Aquinas’s *Summa* ties natural law to specific biblical passages, where his commentary describes a nature that differs by ethnicity, varies over time, and changes sexuality by God’s decree. This destabilizes turn-of-the-twenty-first-century uses, liberal or conservative.

Consider a story of decline and rise from Aquinas's commentary on the biblical book of Romans: In the beginning, God impressed or (in a parallel passage) "inseminated" human minds with a moral "law of nature" – God presses or fathers them in God's image. According to the law of nature, human beings would multiply and do justice. But after the fall of Adam, they came to love *injustice*. To hide that injustice, they "bound" (*detinent*) or "tied up" (*ligatur*) the law of nature until they "held it captive" (*captivatur*) and "put an end to it" (*terminatur*) (*In Rom.* §§112, 127). The verbs reveal this as a tale of bondage. By the time of Abraham, particular ethnic groups ("Gentiles"), having "put an end to" nature, began to worship dead idols (*tempore Abrahæ, quando creditur idolatria incoepisse*). The living God punished them by giving them up to "the vice against nature" (same-sex sexuality) – so that they would die out (*ex quo generatio sequi non potest*). The author finds the punishment strictly appropriate (*satis rationabiliter*), since according to the story nonprocreative sex befits the binding of nature and the worship of dead idols (§151; see Chapters 5, 6, and 9). After the coming of Jesus, the Holy Spirit reinseminates them with natural law as "the semen proceeding from the Father." "How they become again children of God is clear," says the author,

from comparison to physical children, who are begotten by physical semen proceeding from the father. For the spiritual semen proceeding from the Father, is the Holy Spirit. And therefore by this semen some human beings are (re)generated as children of God. – 1 John 3:9: "Everyone who is born of God does no sin, since the seed of God remains in him [*semen Dei manet in eo*]." (*In Rom.*, §636; see Chapter 12)

The United States Supreme Court cites the same author – Thomas Aquinas – in cases crucial to gender issues, including *Roe v. Wade* (abortion) and *Bowers v. Hardwick* (sodomy laws). Eight centuries after he lectured on the Bible, advocates and critics agree, Aquinas remains the most influential natural law philosopher. Even liberals cite Aquinas – Blackmun, for the majority in *Roe* and in dissent in *Bowers*. Citations of philosophers show "a slow rise in majority decisions" and "a dramatic and recent rise" in dissents, trending toward 30 cases a year. Behind the scenes, the influence

of philosophical sources exceeds the citation rate (Brooks, 27 *Rutgers L. Rec.* 1; Rao, 65 *U. Chi. L. Rev.* 1371).

This book links four claims: (1) Aquinas's recently or never translated commentaries complicate all understandings of Aquinas's natural law, conservative and liberal alike. (2) The commentaries differ from the systematic works in the type of reasoning Aquinas employs – narrative in the commentaries, logical in the *Summa*. (3) Aquinas's writing belongs in a historical context including medieval practices of teaching and his commitments to the Dominican Order of Preachers. (4) Aquinas's commentaries submit the law of nature to particularities of ethnicity, gender, history, and religion that would embarrass secular courts.

My method sounds simple, but has hardly been tried: When Aquinas's systematic works quote the Bible, I read his biblical commentaries on the passages he cites. Widely available in complete if unopened Latin sets, the commentaries remain unread even by those who call themselves Thomists. Why not hear Aquinas on the texts he cites?

This book critiques turn-of-the-twenty-first-century natural-law theory by its founding text. I do not try to deconstruct natural law by appeal to natural science, since that would hardly work with thinkers who treat nature as normative goal rather than scientific evidence. Natural lawyers don't go by science. They go by texts. That favors my approach, since Aquinas also goes by texts – not just Aristotle's, but those of Augustine, Pseudo-Dionysius, and the Bible. Those texts leave Aquinas more interested in natural law's failures than moderns give him credit for.

If you read the *Summa theologiae* on natural law, you find that Aquinas cites the New Testament book of Romans for his claims about nature. If you open Aquinas's commentary to the places where he interprets those citations, you find that, contrary to the *Summa*'s impression, Aquinas embeds all law, even natural law, not in a particular *logic*, but in a particular *story*. There, Aquinas places natural law in a narrative of God's dealings with two religio-ethnic groups, Jews and Gentiles. There, having or lacking natural law depends not on humanity but on ethnicity. The narrative tries to explain, not how natural law would work, but why it fails. Aquinas the commentator veers away from all his modern readers, pro or con.

Among those Aquinas readers are those who prepare Supreme Court opinions, write *amicus* or interested-party briefs, and examine Supreme Court nominees on the Senate Judiciary Committee. *Roe v. Wade* legalized abortion in the United States (1973, 410 US 113). *Webster v. Reproductive Health Services* (1989, 492 US 490) confirmed *Roe*; both decisions cited Aquinas on the issue of “ensoulment” (cf. Haldane and Lee). And *Bowers v. Hardwick* (1986, 478 US 186), overruled by *Lawrence v. Texas* (1993, 539 US 558), was the last Supreme Court decision upholding sodomy laws. In another sexual orientation case that reached the Supreme Court, *Romer v. Evans* (1996, 116 S. Ct. 1620), the State District Court took testimony about the law of nature from “prominent Roman Catholic and Jewish theological scholars . . . about interpretations of the teachings of their own traditions that are not uncontroversial within those traditions” (Olyan and Nussbaum, xiv) and prompted an article of 136 pages in the *Virginia Law Review* about nature in Plato and Aristotle (Nussbaum; I thank Joseph Naron). *Romer* addressed the access of gay and lesbian citizens to the courts.

In 1991, when Clarence Thomas was up for confirmation to the Supreme Court, Senator Joseph Biden (later US vice-president), suggested that the Judiciary Committee explore whether Thomas had a “good” or “bad” theory of natural law. A bad theory, according to Biden, would impose a “code of behavior . . . suggesting that natural law dictates morality to us,” while a good one would support individual rights, as in the Declaration of Independence (Hittinger 36, quoting Biden; I thank Joseph Naron). Biden also voted against failed Supreme Court nominee Robert Bork because Bork rejected the “good” kind of natural law (Hittinger 83). As I correct this manuscript, vice-presidential nominee Paul Ryan claims (without evidence) to have been influenced less by Ayn Rand than by Thomas Aquinas. On the Supreme Court and on the Senate Judiciary Committee, liberals and conservatives argue over Aquinas. This book uses narratives of ethnicity and gender in Thomas Aquinas’s biblical commentaries to reframe his account of a natural moral law (especially in his *Summa theologiae*) still cited on the Court, in the Senate, and on the political trail.

LexisNexis, the online legal database, finds 2,824 articles in law reviews and journals mentioning Thomas Aquinas (as of July 29, 2012; two days later, five more). In the 10 years between 1982 and

1992, *LexisNexis* shows 225 law review articles citing Aquinas. In the five years between 1992 and 1997 – half the time – the number doubles to 402. Between 1997 and 2002, the number rises by half again to 632. Between 2002 and 2007, the number again increases by a third to 838. In the five years between 2007 and the time of writing, the increase holds steady at 708, but the delay in recording keeps that figure down. So the attempts to influence the courts by citing Thomas Aquinas have risen dramatically, the greatest acceleration occurring between 1992 and 1997 and leveling off at the time of writing to something over a hundred law review articles a year. That seems a high rate for an author who died almost as many years before North America was discovered, as since the United States first set up the Supreme Court.

Aquinas and the Court in New Natural Law Theory

Prominent among those who cite Aquinas are the ones grouped as “new natural law” theorists. A conservative movement animated by such authors as Robert George, John Finnis, Joseph Boyle, and Germain Grisez, the natural lawyers have recently tried to influence secular courts with their interpretation of Aquinas. They have enjoyed great success with institutes, websites, and articles in journals, including law reviews. The Witherspoon Institute in Princeton, associated with George, and the Natural Law Institute at Notre Dame, associated with Finnis, seek to influence the courts with a conservative approach to natural law, especially on gender and sexuality. For *Lawrence v. Texas* (1993, 539 US 558), for example, George wrote an *amicus* brief, sponsored by the Witherspoon Institute and the American Family Association for Law and Policy, in favor of sodomy laws.

The philosopher of religion Nicholas Wolterstorff offers an uncontroversial description of the Finnis–Grisez–Boyle platform:

From its beginnings among the Stoics of antiquity, the natural law tradition of ethical theory has undergone many transformations. The most prominent contemporary spokesmen of the tradition, John Finnis and Joseph Boyle, who see themselves as representing the Aristotelian–Thomistic version of the tradition, offer natural law

theory as a mode of ethical inquiry which is independent both of all comprehensive religions and philosophical perspectives, and of all concrete moral communities. In particular, they present it as independent of theology. It is from human nature as such that they propose to derive ethical principles; and it is their claim that these principles are not only knowable, but in good measure actually *known*, by every rational adult human being whatsoever. (Wolterstorff 11)

In fact (as Wolterstorff implies), Aquinas stands against that description in every particular. The qualification that natural law operates only among “adults,” for example, recalls Aquinas’s own qualification that natural law is possessed – but does not operate – among infants. In the same breath, Aquinas notes that it also fails to operate among the *damned* (I-II.94.1^{sc}). Whether you estimate the number of the damned as large, small, zero, or of no interest, Aquinas’s qualification implies that, for him, natural law operates in the presence of grace and not by itself. The trouble with the new natural law theory is its semi-Pelagian attempt to operate natural law in the absence of grace. When you note that Aquinas also thinks natural law is defective among Germans (I-II.94.4), you begin to suspect that he is as interested in its failure as in its success.

Finnis, George, and other authors of law review articles assume that they can appeal to Thomas Aquinas for a putatively secular project because, they think, he contributes his views as a philosopher rather than as a theologian, or at least because they can easily disentangle a secular philosophy from his theological commitments. As a theologian, I aim to show how Aquinas is a theologian all the way through, so that his authority can hardly be claimed for a secular project, and that nothing in the *Summa theologiae* counts as “natural” in the sense that the new natural lawyers need or that secular courts should countenance. It is widely accepted among theologians in the United States, Britain, Germany, and France that the reading of Aquinas is wrong according to which nature and grace form a two-story system with nature at the bottom and grace, extrinsic to nature, at the top (even if that is still debated among ethicists and unheard of among natural lawyers). In the last stage of Aquinas’s authorship, which includes both the *Summa theologiae* most quoted in natural-law reasoning, and his *Commentary on*

Romans, which is his most useful guide to reading it, the purely natural does not exist. Rather, nature without qualification is always already shot through with grace, so that “nature” remains a religious, Christian, theological concept all the way down. The courts *ought* to take the position on Aquinas’s concept of nature in general, that Justice Stevens (concurring in part and dissenting in part) took in *Webster*.

If the views of St. Thomas were held as widely today as they were in the Middle Ages, and if a state legislature were to enact a statute prefaced with a “finding” that female life begins 80 days after conception and male life begins 40 days after conception, I have no doubt that this Court would promptly conclude that such an endorsement of a particular religious tenet is violative of the Establishment Clause. (*Webster v. Reproductive Health Services*, 492 US 490 (1989))

But *all* of Aquinas’s talk about nature belongs to a particular religious tenet – one that his natural law advocates (“with friends like these . . .”) deny: God holds nature in being by grace. So far from a concept independent of religion or free from dispute among rational adults, “nature” as the natural lawyers use it remains a disputed question even among theologians and Thomists: so that any courts appealing to it appeal not only to a religious understanding, but willy-nilly take sides in an *intra*-religious dispute. Secular natural lawyers, so far from following in Aquinas’s footsteps, have, in his terms, demoted themselves to the status of the *philosophi in mundo*, the pagan philosophers (*In Rom.* 1:20, §122).

If we return to those nearly 3,000 law review articles, we find that the highest total number, 92, comes from the *American Journal of Jurisprudence*, the house organ of Notre Dame’s Natural Law Institute, and closely associated with John Finnis, who serves as editor. That number would be higher, except that the database has indexed it only since 1996. The second-highest number (60) comes, similarly, from the *Notre Dame Law Review*. One starts to see a pattern when the third-highest number (56) comes from the *Journal of Catholic Legal Studies*, and the fourth-highest number comes from the *Ave Maria Law Review*. To complete the top five, see the *University of St. Thomas Law Journal: Fides et Iustitia* (44). Tied for sixth

is (again) the *Notre Dame Journal of Law, Ethics, and Public Policy* (42). Its rival for sixth place is the first non-Catholic journal, the *Michigan Law Review*, followed by the *Yale Law Review*. *Fordham Law Review* and *Catholic University Law Review* round out the top ten. So half of the top six spots belong to Notre Dame; eight of the top ten belong to Catholic institutions. Of articles citing Aquinas, 609, or 22 percent, also cite John Finnis. The evidently sectarian success of something supposed to enjoy universal appeal might make more sense if its defenders developed a more Thomistic–Augustinian theory of its failure: there is such a thing as natural law, but people disagree about what it is.

Like a higher and more textually sophisticated Intelligent Design for gender roles, new natural law theory dresses deeply religious views in secular clothing. But the point of this book is not that natural law reasoning is sectarian (whether it is or not). The point of this book is that Thomas Aquinas himself does not in fact defend the optimistic, timeless, universal, secular, and court-worthy argument for traditional gender roles that a raft of books and the almost 3,000 law review articles would lead you to believe.

In the Supreme Court and on the Senate Judiciary Committee, in *amicus* briefs and law review articles, on websites and in think-tanks, natural law thinkers are trying to influence sex and gender law by invoking the author of the now bizarre religious narrative that opened this chapter. If you find that prospect alarming, this book is for you. If you find the prospect alarming for theological reasons, or because, as a student of law, religion, or the humanities you respect the integrity of religious reasoning, even better. If the very sophistication of Finnis's *Aquinas: Moral, Political, and Legal Theory* (1998), together with the social program of the *American Journal of Jurisprudence*, leaves you wondering how to pry apart their self-insulation, this book offers strategies.

It hardly undermines the need for a book like this to note that the reach of new natural law theory exceeds its grasp. Not when standard sourcebooks in Aquinas's so-called treatise on law or political theory leave the uniform impression that undergraduates, law students, and political theorists can responsibly read bits from the *Summa* of theology with little or no attention to theology at all. (I can think of half a dozen: Bigongiari, Dyson, Feddoso, Henle, Regan, Sigmund, the last a little less narrow than the others.) New

natural law's claim to be perennial emboldens its advocates and insulates them from setbacks, since precisely if it is perennial, natural law "must" come back. Nor does it much chasten the theory that one of its critical adherents has called it "a doctrine for Cartesian minds somehow under Church discipline" (Hittinger 62; I thank Joseph Naron) or that Pope Benedict XVI, writing as Cardinal Ratzinger, describes it as a "blunt instrument" – one thinks of a cudgel – in secular society (Ratzinger 2006:29–30). Ratzinger also calls it a "fiction" that one could "construct a rational philosophical picture of man intelligible to all and on which all men of goodwill can agree, the actual Christian doctrines being added to this as a sort of crowning conclusion" (1996:119). Tracey Rowland argues that new natural law theory is being replaced by John Paul's nuptial mysticism. Thus too the cases mentioned almost exhaust the ones in which the Supreme Court has used Aquinas seriously, and the abortion citations count *against* the view that life begins with conception; rather, according to Aquinas, humanity begins with the conferral, at different times for girls and boys, of a rational soul (*In 3 Sent.* 3.5.2; *Webster* 492 US 490; Haldane and Lee). One can remain alarmed at the attempt without yet ruining the outcome.

In the *Secunda pars* of the *Summa theologiae*, Aquinas devotes only a few pages (six, in a standard Latin edition) to natural law. He devotes 25 times as many (157 pages) to biblical and human forms of law: the Old Law, the New Law, ceremonial law, human law, and vastly more to the virtues, their background and context – around 1,200 pages, or 200 times as many as on natural law. Let me repeat that: 200 pages of virtue for every page of natural law, even if the natural lawyers correctly interpreted it. Why regard Aquinas as a natural-law philosopher at all? Law, he says, is the deliverance of a ruler's *prudence* (see Chapters 3, 5, and 6). But the great surprise to non-Thomists about Aquinas on natural law is textual: he says so little about it, and he does so little with it. While in theory the wrongness of an action might be stated both in the language of law, and in the language of virtue, that grants too much to natural law, since "not all virtuous acts are prescribed by the natural law" (I-II.94.3 *in fin.*), and in practice Aquinas almost always chooses to state the goodness of an act in the language of virtue. Natural law manages not to answer the modern, essentialist yearning for something to command universal agreement. On the contrary,

Aquinas explicitly claims that something as obviously wrong as stealing signally *fails* to command agreement (I-II.94.4). But these facts are widely known, even if in some quarters they are also widely ignored. My contribution is to put them into the context of the even larger corpus of Aquinas texts that remain unknown and ignored almost everywhere: his commentaries on the Bible, especially the *Commentary on Romans*.

How to Read Aquinas

A critic might answer that Aquinas's biblical citations are only decorative, *Schmückzitate* to be passed over in silence. A philosopher might suppose Aquinas's theological and philosophical views easy to disentangle. But those objections would be mistaken. As Chapter 7 explains in more detail, the *Summa theologiae*, home of appeals to natural law, begins, in question 1, to argue that sacred doctrine, or theology, only becomes an Aristotelian discipline or "science," in proceeding from first principles, which come from scripture. Typically, every article in the *Summa theologiae* pivots – in the *sed contra*, or "on the other hand" that cites Aquinas's authoritative warrant – on a quotation from scripture (or failing that from Augustine or a theologian of similar stature). Aristotle himself appears but rarely, and serves to provide distinctions rather than authority. It makes sense, therefore, to turn to Aquinas's biblical commentaries when he quotes the Bible. That is my main interpretive move throughout the book. Fergus Kerr calls the procedure "an intriguing argument." As he restates my proposal, a citation of scripture,

far from being a contextless slogan, is simply a reminder of the much fuller treatment Thomas assumes his students have had in the customary biblical course. In effect, we should regard biblical references in the *Summa* as an invitation to turn to the biblical commentaries where the same topics are discussed. (Kerr 63)

An anonymous reviewer for the press described what I was doing in terms of Robert Brandom's distinction between a *de re* versus a *de dicto* interpretation. "A *de dicto* interpretation," the reviewer wrote, "aims to say what the writer said, and is therefore con-

strained to prioritize the writer's own ancillary commitments and cultural context. A *de re* interpretation aims to say what follows from (some of) the writer's commitments when they are placed in the setting of the *interpreter's* ancillary commitments and cultural context." I agree with the reviewer that in this book I want "to combine a *de re* interpretation of Aquinas with a certain amount of internal critique (as a way of using some of Aquinas's actual commitments to put critical pressure on some of his other actual commitments)." (See Stout, Rorty, Brandom.)

A reviewer of my earlier book *Sexuality and the Christian Body*, where two of these chapters appeared to different purpose, portrayed my strategy with Aquinas with an image:

The first corrective step is taken with Aquinas's own help. The great man's weight cannot be ignored but can, perhaps, be used against him in a judo-like manoeuvre. How exactly (asks Rogers) does Aquinas co-ordinate natural law and virtue ethics? Does he not give priority to the latter, inasmuch as the latter leads onward and upward into an evangelical ethics of grace? Does he himself not recognize, in fact, that the former has been destroyed after the fall, and sublated by the new law of the Spirit? This is a throw which Rogers has been practicing, and one I am inclined to admire. (Farrow 267–268)

The main throw, as I said, is biblical: when I interpret the *Summa's* principled appeals to the Bible in terms of Aquinas's own biblical commentaries.

We misread Aquinas when we read him as a secular philosopher of natural law. We misread him because we favor his innovations in systemizing medieval learning and recovering Aristotle over his *use* of those innovations to teach the Bible and understand God. But the tools and the use are hard to disentangle, because Aquinas's use of system and Aristotle transforms them all the way down, leaving nothing unchanged. The more systematic Aquinas is, the more he relates everything to God. The more Aristotelian he is, the more he takes scripture as first principle. In that context, Aquinas interprets nature as a character in the Bible, a creature in God's hand. That makes Aquinas and his theories both harder to secularize and more awkward to cite in secular courts.

Thomas Aquinas lived from 1225 to 1274, just 49 years. He has generated multiple, overlapping, often conflicting interpretations ever since. Those conflicts arise in part from multiple interests and in part from selective reading. Selective reading becomes more difficult, however, if we attend to concrete, historical practices in which Aquinas wove complexly together multiple interests now regarded as distinct or incompatible. Or, better, medieval practices of teaching and study tended to unite what contemporary interests divide (MacIntyre 1991:3). This book focuses on Aquinas's professional vocation to lecture on the books of the Bible. Lecturing on the Bible, Aquinas performed readings supple, complicated, detailed, and constantly changing. In this book I present several cases of Aquinas's historical treatment of law in his commentary on Romans. They root, enrich, and complicate controversies in the ethics of sex and the theology of grace.

During his short life, Aquinas developed a new genre of theological writing, the *Summa* (not the same as a *Sentence* commentary), and harmonized an Augustinian theology with a rediscovered source of secular wisdom, Aristotle. Those innovations would prompt more interesting readings than one. But a focus on the innovations at the expense of his historical practice led to generations of interpretations innocent of context. Because the *Summa* became a byword for structure and system, and Aristotle for logic, readers interpreted Aquinas as a perennial philosopher. Thomists today can still read Aquinas as if he underwent no development, springing like Athena fully formed from the head of Zeus, and, never changing his mind, wrote only one, entirely self-consistent work, called *Opera omnia*. But at the very beginning of the *Summa*, Aquinas himself wrote that the practice of study takes place "by a few people, with an admixture of many errors, and over a long period of time" (I.1.1). Accordingly, I choose a work from the last of four periods of his authorship, the *Commentary on Romans*, which dates from 1271 or 1272 to 1273 (Torrell 250–251).

Aquinas also belonged to a religious order, the Dominicans, officially the Order of Preachers. It little resembled the order to which many philosophers now assign him. The Order of Preachers was not the Order of Theists. The Order of Preachers was only

one generation old, still zealous enough for Aquinas's family to regard it as an evangelical cult. In the colorful legend, they kept him prisoner in a castle dungeon to hold him back. This order of beggars committed Aquinas to social critique, to the idea that even a Christian society could go badly wrong. Aquinas as the perennial philosopher cleanly misses the zeal of the Aquinas who joined a new movement against property and toward the Bible. Thus this book returns to his biblical commentary.

Meanwhile, Aquinas was not paid or employed to write *summas*. He spent many of his years as a teacher, and as a teacher at the University of Paris his assignment was to lecture on books of the Bible. The faculty of arts had to beg for his commentaries on Aristotle because he did not *teach* Aristotle, but commented on Aristotle for himself. Nor did his students learn from him by reading his *Summa*. They learned by attending his lectures on the Bible. *Summas* were constructed from disputed questions of public debate, giving the *Summa*, too, a social location and internalized politics of struggle. And yet the disputed questions *arose* and *first appeared* in continuous commentaries on scripture. The lecturer proceeded verse by verse, arrived at a crux, observed that commentators disagreed, and sought an answer, a *quaestio*, the true medieval quest (MacIntyre 1990:88). So even the disputed questions had their home in the lecture on the Bible. In characterizing the literary genre of theology, Aquinas did not say, "the mode of this science is logical." What he said was "the mode of this science is narrative" (*In 1 Sent.*, prol., 5c).

And yet none of Aquinas's longer biblical commentaries have appeared in English – only Ephesians, Galatians, and eight chapters of John. In particular, his Romans commentary first appeared in English only in 2008, unreviewed and unrefereed on the web. That makes this project no less necessary, but even more urgent. Although the translator, Fabian Larcher (1914–1991), is well regarded, this translation appeared some 15 years after his death with no information about whether it was a first, partial, or final and polished draft. Until 2008, older translations into German and French (Fahsel, Bralé) were available in only 11 and five libraries respectively in the English-speaking world. However welcome the English, its diction remains so Edwardian as to obscure the

very things of interest here – including how Aquinas’s conceptions of ethnicity and gender may outlie and outface our own. The web version retains such obvious typos as “see first” for “see fit” and “could have bad it” for “could have had it.” We get “heathenish” for *gentilis*, “Gentile” (1:27, §151) or “seed” for *semen carnale a patrem procedens*, “physical semen issuing from the father” (8:17, §646). At §151 we read that same-sex practices “began as idolatry,” as if to *classify* sexuality into *species* – while the Latin says *simul cum*, “began at the same time as idolatry,” to *narrate* sexuality over *time*. Now, philosophical readers hardly expect Aquinas to make a historical argument here, which they consider a category mistake. But that’s all the more reason not to cover up Aquinas’s divergence from ourselves. Ignoring Aquinas’s commentaries has led, on natural law and virtue ethics, to rival interpretations that preen themselves on alternate series of texts from the systematic works that appear (as if belying the name of system) to tend in opposite directions. Aquinas *seems* to hold a number of highly incompatible views on law, because no one has invited scholars to attend to the biblical commentary in which Aquinas worked many of those views into a coherent narrative, not with the logic of a system, but about the travails of a character. The story of law in Aquinas’s *Commentary on Romans* runs to episodes with frequent interruptions by set pieces. In this it bears distant resemblance to another oral performance, the epic – with scenes of scorn, captivity, obscurity, deliverance, and recognition.

In Aquinas’s *Commentary on Romans*, Law names a character with several guises, changes of costume, and successive revelations of identity. What holds them together is Law as a kind of *pull*, whether a slope that inclines by gravity or a pedagogue that lures by attraction: law is that which, as we shall see, “leads human beings toward the good” (*In Rom.* 1:18, §112). As such, Law tends toward liberty. Aquinas’s writings introduce various characters called “Law.” We meet *eternal* law, which Aquinas innovates to identify with the prudence in God’s mind, a masterful character, sometimes appearing as Jesus Christ. We meet *natural* law, a character usually associated in the modern period with human choice and rationality, a sort of optimistic Everyman, but in Aquinas’s *Commentary on Romans* considerably more particular: natural law was ethnically Gentile, a fallen

woman, ineffective and hemmed in by social injustice, blinkered by culpable ignorance, abandoned to sexual sin that led to death. In another treatise confined today mostly to political scientists – a letter to the king of Cyprus – we meet civil law, in the character of a Frankish crusader seeking Aquinas's advice on leading a mixed society of Orthodox Greeks and Muslim Turks. We also meet the Old Law, whom Aquinas sometimes respected as Torah and sometimes regarded as a shadow of the New. And finally we meet the Law of Life, also known as Grace, who nevertheless hardly used that name in Romans 8, but appeared as a trinitarian Torah or an indwelling Spirit.

How to Read This Book

The chapters that follow have appeared before in widely scattered places to much different purposes (sometimes already more than once) – epistemology, sexuality, pneumatology, theology of natural science. Since my first Aquinas book (1995), my pattern of publication has worked by topics treating multiple authors – hermeneutics, the body, religious experience – confining Aquinas to chapters or articles. That procedure strengthened the topical cases while leaving the Aquinas interpretation orphaned. In this book, I draw a dozen essays into an argument of interest to scholars and graduate students in humanities and law as well as lawyers and judges. I bring them together, because I always had one thing in mind – to distinguish the many common and banal things that we cannot say about the law of nature in Aquinas's name, from the fewer and stranger things that we can. Both what Aquinas says and what he refuses to say should interest us, because they lie on the frontier of what theology can and cannot claim to say. As Victor Preller used to remark, theology is the discipline in which, strictly speaking, we don't know *what* we are saying (since in this life we cannot know of God what God is) or *how* what we are saying is true (since we know by revelation). Although human minds regard nature more easily than they regard God, they participate in God's mystery, because nature is animated by the Spirit (Gen. 1:2, 2:7), or in technical language, capable of grace (*capax gratiae*). Therefore there *is* such a thing as nature, and we don't know what it's

capable of; there is such a thing as revelation, and we don't know how it's true.

This and the next two chapters are new for this volume. In the others, it is not so much the words that are new as the case they make: that what we cannot say about nature is very odd, and what we can say is odder still: that nature, like the Spirit, blows and escapes us; that nature is matter in motion, inspired, Spirit-moved, dynamic all the way down. So this book is neither a single-minded monograph that argues only one thing in chapters conceived as steps on a path, nor a collection of essays that hangs together merely because they share a theme. Rather it lies in between: a single focus refracted and regathered. The book collects essays to build a compound perspective on a complex thesis. I have framed their beginnings and modulated their content so that each is made to lead out of the previous and return to the theme for the reader who takes them in order, or each can stand alone for the reader who reads them as they interest her.

It only helps the case, as a reader noted for the press, that idiosyncratic and nonstandard interpretations have appeared in print before. Individually they have gained from rigorous review in multiple venues. Collectively they have gained from the alternate skepticism and excitement of reviewers for funding agencies who can hardly credit the idea that the exceedingly strange Aquinas of the commentaries is the same thinker they think they know from modernized and domesticated readings of his systems. In the past I have sought to make Aquinas strange to theologians and ethicists. To that end, two of the chapters appeared, in somewhat different form, in an earlier *Challenges* book, *Sexuality and the Christian Body* (Blackwell, 1999), which *Christian Century* in 2010 named among essential reading in theology of the preceding 25 years.¹ Now I hope among other things to estrange Aquinas as well from judges, political theorists, and philosophers of law who chain him to a natural-law theory of which he would disapprove, one that teeters on a high and narrow textual ridge with support only from the clouds of later witnesses.

Its defenders and detractors suppose natural law to be perennial, universal, and neutral with respect to ethnicity, gender, and religion. But natural law in Aquinas's commentaries is none of those.

Each of the following chapters makes the natural-law reasoning associated with Aquinas more difficult for secular courts to use.

Part I: Aquinas on the failure of natural law

Chapter 2, “What Aquinas Thinks We Cannot Know,” collects four well-known strains of apophaticism in Aquinas’s writing to correct the widespread impression that Aquinas thinks we can know a lot. Chapter 3, “How God Moves Creatures: For and Against Natural Law,” says what I think natural law is for, precisely if it’s not for delivering content. Chapter 4, “How Aquinas Reads Scripture,” asks *how* Aquinas, as a medieval lecturer on the Bible, goes about interpreting it. As in law, so in biblical interpretation: Aquinas proceeds not according to rules, which he leaves underdetermined, but according to virtues.

Chapter 5, “How the Law of Nature Is a Character in Decline,” shows how Aquinas reads the New Testament book of Romans to tell a story of the fall of non-Jews into idol worship at the time of Abraham, “detaining,” “binding,” or “ending” natural law. Aquinas’s better-known *defense* of natural law in the *Summa* describes an ideal case that no longer obtains. That understanding sets a narrative rather than philosophical context for Aquinas’s legal thinking. Courts appeal to Aquinas for a natural law perennial and secular: Aquinas’s commentaries present a fallen figure redeemed by grace, changeable and religious. Courts usually require neutrality on gender and ethnicity: the commentary’s account of nature tells a story with elements of both.

Chapter 6, “How the Narrative Sexualizes Nature’s Decline,” shows how same-sex relationships divide both the courts and ethicists following Aquinas. Natural-law ethicists may call same-sex relationships unnatural; virtue ethicists may commend relationships fostering love and justice. Aquinas’s *Commentary on Romans* follows Paul to treat same-sex sexual activity as a sin of excess (rather than contrariety). Distinct from the fall of Adam, this fall marks ethnic *Gentiles*. Aquinas’s account depends on a narrative of divine punishment for Gentile idolatry at the time of Abraham that would startle the courts.

Part II: Aquinas on the redemption of natural law

Chapter 7, “How Aquinas Gets Nature and Grace Back Together Again,” shows how Aquinas uses “nature” as a mode of scriptural exegesis and christological discipline. To raise the stakes, I compare Aquinas with Karl Barth, a Protestant theologian of grace who called Aquinas’s theory “*the invention of the Antichrist*.” “Nature” becomes a field where Protestants and Catholics contest the relation of the Bible to the world. That leaves nature neither secular nor stable enough for courts to use.

Chapter 8, “How Faith and Reason Follow Glory,” shows how Aquinas hangs his *positive* account of our nature on a religious premise that secular courts can hardly admit – the Holy Spirit engraving a new law on believers’ hearts by *grace*. The *Commentary on Romans* defines “nature” without further qualification (in a passage to which we shall often recur, *In Rom.* 2:14, §215–216) as nature *redeemed*, a creature of the Holy Spirit. *With* qualification, *natura sua* means one’s own unaided nature – which fails. Faith and reason alike depend from above upon the light of glory. They work only from the top down. Courts appealing to Aquinas on natural law put their foot into an intra-Christian dispute about nature and grace, or nature and the Spirit. That dispute is needless. But it requires a theological medicine that the courts cannot swallow and politics cannot supply.

Chapter 9, “How Aquinas Makes Nature Dynamic All the Way Down,” imagines Aquinas meeting Judith Butler. Both Aristotle and critical gender theory depart from Platonic essences to treat nature as a dynamic principle of change. Because I read Aquinas as deriving ethical content from the virtues rather than the law of nature, a critic might object by pointing to two places where Aquinas does seem to derive content from nature, his accounts of lying and lying with someone of the same sex. On the contrary, I claim that Aquinas, like Butler, thinks that bodies can demand more language, interpreting the contemporary notion of “coming out” in Thomistic terms.

Chapter 10, “How the Spirit Moves the Law,” shows how Aquinas can relate Spirit to Law without the mediating term of grace. In his *Commentary on Romans*, Aquinas flatly denies the courts’ expectation that nature’s usefulness lies in remaining stable

and predictable. “Since every creature is naturally subject to God, whatever God does in the creature is simply natural, even if it is not natural according to the proper and particular nature of the thing in which God does it” (*In Rom.*, §910b). In this chapter, I examine a case in which the Spirit writes the law on the heart directly, without obtruding “grace” as a third term.

Chapter 11, “How Natural Science Becomes a Form of Prayer,” asks how Aquinas might regard that other “natural law,” not an innate moral law, but a law of physics. Aristotelian science gets a bad reputation for hostility to experiment. Yet Aquinas thinks extensively about learning from trial and error when he thinks about human *character*. Here I apply Aquinas’s ethical innovations to supply theology with a Thomistic account of natural science, and natural science with a theological description.

Chapter 12, “How the Semen of the Spirit Genders the Gentiles,” suggests how Aquinas calls different groups “Gentiles” depending on which law they lack – sometimes non-Christians, lacking “the law of Christ”; sometimes non-Jews, lacking the law of Sinai. Aquinas may describe either group as lacking “the law of nature.” Another *Summa*, called *Contra Gentiles* after its first line, varies again who counts as Gentile. Commenting on Paul, Aquinas genders the Gentiles as “exceeding nature,” first in ascribing to them “the vice in excess of nature” – and then in describing them as those who retain God’s seed – so that God himself “exceeds nature.” Aquinas has God take on the gender-bending characteristics of Gentiles precisely to save them. This picture of law is at once too religious and too queer for the courts.

A book aimed at multiple audiences can hardly treat all readers with equal solicitude, and most of these chapters were originally written with students of Aquinas in mind. I expect that students of law are smart enough to connect the dots where I leave them insufficiently instructed. But I can help readers follow different paths through the book.

Readers interested in law should read the introductory paragraphs to each chapter, which highlight how the chapter makes the legal use of Aquinas more difficult. Students of law might then want to move through Chapters 5, 6, 9, and 12, which elaborate issues of gender, sexuality, and ethnicity in Aquinas’s account of nature. I beg their indulgence for uses of legal material that fall flat-footedly:

it is a hazard of attempting to make theology and history available to more audiences than one. *Readers interested in Protestant–Catholic disputes over nature and grace* might focus on Chapters 4, 7, 8, and 10. *Readers looking for an alternative account of what natural law is for* should read Chapters 2 and 3. *Readers who are primarily interested in Aquinas* should read the book in order, skipping Chapter 7 on Aquinas and Barth, if they find it too technical. To enable different readers to read different parts of the book, or to read the chapters out of order, I have allowed some motifs (on nature and grace, revealed and revealable, the meaning of *para phusin*) to recur, with references to the main discussion, and with the kind indulgence of readers who take the chapters in order.

This book uses Aquinas's commentaries to reassess the natural-law tradition for scholars of ethics, politics, philosophy, religion, and law, as well as those clergy, lawyers, pundits, and justices who hope or fear it will settle controversial issues, especially of sexuality and gender, in multiple public forums.

Note

- 1 At <http://www.christiancentury.org/reviews/2010-09/willie-james-jennings-5-picks>, accessed Nov. 20, 2012.

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Part I

Aquinas on the Failure of Natural Law

What Aquinas Thinks We Cannot Know

The purpose of this chapter is to put Humpty-Dumpty back together again. “Natural law,” in the modern period, is a piece of a fragment. In Aquinas, many things belong together that modern idiom divides.

The next paragraph appeared some years ago to introduce a book series. If you substitute “virtue theory” and “natural-law theory” for the contrast terms, you get a lovely description of contemporary Aquinas studies in every sentence.

We are too often in our contemporary ethical debates the prisoners of an unrecognized moral history. The fragmentation of a complex past – Jewish, Catholic, Aristotelian, Puritan, Humanist, and more – has left us as the warring heirs of an inadequate inheritance. So our disagreements are all too easily framed as a series of encounters between abstract and unreal stereotypes in which a rootless [virtue theory] is counterposed to a reactionary [natural-law theory]. In this situation the dominant modes of recent ethical writing, whether philosophical or theological, are often unhelpful. They encourage us to lapse once more either into unhistorical abstractions or . . . unargued dogmatism surrounding . . . concrete moral issues. This [essay attempts] to recover what is viable in the

traditions of which we ought to be the heirs without ignoring what . . . made those traditions vulnerable to modernity.¹

Each section of this chapter reunites things that Aquinas held together but moderns put asunder. In Aquinas, (1) knowledge belongs together with unfathomability; (2) nature belongs together with failure; and as a result (3) nature also belongs together with grace. In each case, natural law, as a fragment, does not suffer from mere incompleteness: in each case, natural law, as a fragment, suffers from fundamental misapprehension. We misunderstand completely what the piece is for. Although natural law is not technically a “simple” (indivisible) thing, Aquinas agrees with Aristotle that to misunderstand simple things is not to understand them at all (II-II.2.2 *ad* 3).

In the course of a positive account, I hope to explain the paradox that many rival accounts cover up: Aquinas believes there is such a thing as natural law, but he is also completely comfortable admitting that we don’t, in fact, know what it is. In *De duobus praeceptis caritatis*, he writes that, already at the time of Abraham, “the law of nature had been destroyed” (*lex natura destructa erat*, *In praec.*, prol., 1). A narrative account of that destruction appears, as we have seen, in the *Romans Commentary* (and will see in greater detail in Chapters 5 and 6). Nor is it missing from the *Summa*, which suggests a critique of reason-alone versions of new natural law theory:

In order that their pride might be overcome in this matter, human beings were left to the guidance of their reason without the help of a scriptural law: and they were able to learn from experience that their reason was deficient, since, about the time of Abraham, they had fallen headlong into idolatry [distinct from the fall of Genesis] and the most shameful vices. Wherefore, after those times, it was necessary for a scriptural law to be given as a remedy for human ignorance: because “by the Law is the knowledge of sin” (Rom. 3:20). (I-II.98.6)

Thus (as I mentioned in Chapter 1) it should come as no surprise when the *Summa theologiae* says that the Germans lacked natural law (I-II.94.4), or that the Ten Commandments receive their content by revelation (I-II.100.3c). We don’t even know how to reason from

the first principle, “do good, avoid evil,” because the right thing to do is a singular in the mind of God *in principle* unknowable to human beings in this life (I.14.11; I.86.1). That makes a remarkable number of strong qualifications that hang together with the underappreciated apophatic strain in Aquinas’s thought.

Knowledge and Unfathomability Belong Together

Theology generally moves between apophatic and kataphatic, between what it cannot say (because it attempts to speak of God) and what it must say (because it speaks from revelation). Natural lawyers stress Aquinas’s positive statements about law. Skeptics stress Aquinas’s negative theology. Josef Pieper, in his beautiful little book *The Silence of St. Thomas*, explains how those emphases are compatible, or how “truth and unknowability belong together” (59).

In this section, I assemble four reminders about things Aquinas says we cannot know with certainty (*scire*), and relate them to natural law. None of the reminders is controversial in Aquinas studies, but different communities of readers stress them. Different interests segregate the reminders from one another and from claims to know. Aquinas’s assertions of unknowing become footnotes or codicils rather than virtues of the knower or habits of humility. The things we cannot know distinguish no pair of domains, knowable and unknowable, but unify all knowing into a single domain unveiled as one, revealed in its integrity. The things we cannot know set the creature into a relationship with God and neighbor, the love of whom sums up the law.

Among the things we cannot know are the essence of God, the essences of things, God’s will for singulars, and conclusions from precepts. Modern natural law thinking admires Aquinas for a robust account of what human beings can know “by nature,” where “nature,” *for moderns*, means “apart from God.” But Aquinas follows Psuedo-Dionysius to honor the mystery of God, including God’s intentions for people and things. Thus he qualifies positive statements about law with negative statements about divine incomprehensibility and human finitude. This opens a wide field for mystery: God, things, singulars, and conclusions. But “mystery,” in the sense of the Greek *mysterion*, is no mere unknown, but the

participating symbol of an overflowing goodness. Each mystery – God, things, singulars, conclusions – signals another relationship, another source of goodness inexhaustible. As a corollary, I suggest (going beyond Aquinas but calling on John Paul II) that gender (also) images the mystery of God.

We cannot know the essence of God

Proponents of modern natural-law thinking will demur, saying, of course we cannot know the essence of God, but we are not trying to know the essence of God; we are trying to know the law of human nature. And yet Aquinas ties together the essence of God and the law of human nature more closely than you might think. Natural law derives from God's eternal law. Because God (deeply unlike us) is simple, without parts, God's will, God's reason, God's law, and God's essence are all the same "thing." Familiar assertions about the unknowability of God's essence apply immediately also to God's eternal law, as it exists in God. But before we see how the law of human nature participates in the unknowability of God's eternal law, we need to know what "unknowable" means.

Aquinas always distinguishes two kinds of knowing: demonstrative knowing, *scire* or *scientia*, and acquaintance with something, without necessarily knowing what it is – *cognoscere* or *cognitio*. Aquinas never uses *scire* of our knowledge of God in this life, with one telling exception. We can know with *scientia* that we do not know (II-II.9.2): "It is to be known with certainty [*sciendum est*] therefore that one thing about God is entirely unknown [*omnino ignoto*] to the human being in this life, namely what God is" (*In Rom.* 1:19, §114; Preller 32; Rogers 1995:31–39). Even when we have faith, we are "joined to God as to One entirely unknown" (*omnino ignoto conjugamur*, I.12.13 *ad* 1). In Aquinas's *De Trinitate* 1.2 *ad* 1, three modes of knowing God culminate in recognizing God as "simply unknown," *tamquam ignotum*. "This is what is ultimate in the human knowledge of God: to know that the human being does not know God" (*scire, nescire, De pot.* 7.5 *ad* 14). God, Aquinas explains, is known only through Godself (I.2.1), so that even faith does not proceed "from the vision of the believer but from the vision of the One who is believed. Thus as far as faith

falls short of vision, it falls short of the determination which belongs to science" (I.12.13 *ad* 3) – for *scientia* is a way of possessing an object in our heads. But we cannot contain God in our heads. And even in the *next* life, when believers receive the vision of God (their seeing God through God's own vision), they cannot *comprehend* God, if "comprehend" retains a spatial sense of confining God within the mind (I.12.7). "Because we cannot know what God is, but rather what God is not, we have no means for considering how God is, but rather how God is not" (I.3.1, *proem.*).

That principle holds (as Chapter 7 explains in more detail), even when Aquinas calls theology a "science." Sacred doctrine (God's teaching, as Aquinas constructs theology in the *Summa*) is the peculiar case of a science known with certainty only to God and the blessed in heaven (I.1.2) – which is to say, only by God and the dead. In this life, its adherents only *believe* it from scripture with faith (I.1.2–3). In theology, therefore, we do not, strictly speaking, know *what* we are talking about, that is, we do not know *what* God is. Nor do we know *what* God wills. To know with *scientia* what God wills is to know God's mind, which is inseparable from God's essence (I.3.1). That is why Aquinas distinguishes God's eternal law from our natural law, what we cannot know from what we can.

But that formulation – distinguishing two domains, unknown and known – is too shallow. It implies that the domains so distinguished lie beside one another on the same map, as if eternal law were merely *terra incognita*. But Aquinas does not relate eternal and natural law with a flat metaphor. He uses a hierarchical one: natural law *participates* in eternal law, in something above it. Because natural law relates to eternal law by participation, natural law *shares* two features of God's essence that capture what "knowable" and "unknowable" do not. Natural law has its roots in both the eminent *reasonableness* of God's law and the ultimate *unfathomability* or infinite goodness of God's law. God's law is supremely reasonable in itself, but not necessarily to us. Aquinas quotes Aristotle on this distinction: "We blink at the most evident things like bats in the sunshine" (I.1.5 *ad* 1).

This rooting of natural law in the unfathomable love of God goes far beyond Aristotle. In Aristotle, the highest law stops with the *polis*. One can at most appeal to the community's other voices.

Gestures in Aristotle toward a divine law remain gestures. To strengthen Aristotle's gestures into a founding participation seems to explain the obscure by the more obscure, indeed by the *in principle* obscure, unless a deeper purpose should appear. That deeper purpose is Aquinas's desire to root the law of human nature in God's providence and mystery, which are (again) the same "thing." God's providence and mystery, together, mean the depths of God's goodness, more and better to hope for. They place the knower in relation to God. They constitute the knower humble, hopeful, and God-bound. Those features explain why Aquinas would want to sublate Aristotle by talking about a goal *of* nature rather than goals *within* nature. Referring natural law to the law of God marks no mere limit. It changes everything. It does not merely chasten the presumptions of natural lawyers to know. The rooting of natural law in mystery changes its whole character, because, in good Aristotelian fashion, it changes its exemplar and end. Or better, it completely transcends the Aristotelian, which knows exemplars and ends only within nature. Aquinas's move reorients the whole system, nature itself. Aquinas gives a goal to nature as a *whole*, pointing it beyond itself and granting it a history on the way.

By participating the law of human nature in the eternal law of God, Aquinas does not leave human beings unchanged. Rather Aquinas refers them as the image to an unknown Exemplum and directs them to an unknown End. He places them in a relation of ignorance, not just about small things, but about the most significant things. Far from giving human beings a clear set of rules, Aquinas puts nature itself in question. As we shall see in Chapter 12,

That which God does, is not against nature [*non est contra naturam*], but is simply natural [*sed simpliciter est naturale*]. Since every creature is naturally subject to God, whatever God does in the creature is simply natural, even if it is not natural according to the proper and particular nature of the thing in which God does it, for example when God enlightens the blind and raises the dead. (*In Rom.* 11:24, §910b)

Such a sweeping redefinition of nature brings human beings not knowledge but a disputed question: What is God doing with nature?

It makes, not our knowledge secure, but our ignorance felt (Preller 29 n. 41).

This felt ignorance has a particular character. In placing natural law under the eternal law that belongs to God's unknown essence, Aquinas invites us to conclude that we are ordered to the eternal law as to God unknown – but what he stresses is the particular character of this unknowing. It calls for prudence: the human being is provident in God's providence. The mystery is the mystery of Providence, by which God guides God's creatures to their supernatural goal. The relation is that of the human image to the divine Exemplum, by which, like God, we ourselves guide our actions to our end. By participating the law of human nature in God's providence, Aquinas makes it not so much a rule as a story. Nature too becomes a creature, a *moved* thing, not a mover alone or unmoved. Aquinas removes nature from the place of the unmoved mover, and reserves it to the unknown God, to whom we are joined by love (I.12.13). For that reason, nature must become matter to God's charity. Now "Nature compares to charity . . . as matter to form" (II-II.2.9 *ad* 1). Human nature becomes mutable from exemplum to end, that is, from the inside out, more intimately than even we ourselves know it. (Chapter 9 compares nature's mutability in Aquinas and in critical gender theory.) We become a mystery to ourselves, and knowledge of our nature becomes no longer a possession "but a kind of loan" (*sicut aliquid mutuatum*, *In Meta.* I.3.64 in Pieper 90). Participation in God's law makes nature a creature and places it in God's hand.

We can, however, know God's *effects*. Our minds are made to know things in the world by the light of reason. That is, God creates one effect – the human mind – to know the others. "Now because we do not know the essence of God, the proposition [that God exists] is not self-evident to us; but needs to be demonstrated by things that are more known to us – though less known in their nature – namely, by effects" (I.2.1). The *effects* of created things are more known to us, because we learn by our senses. The *natures* of created things are more known to us than the nature of God, because we can reason – or generalize – from those effects. Our knowledge of created natures consists of generalizations from sense impressions. This knowledge of created things is the *scientia* that God created us to seek, even apart from our desire to know God

(see Chapter 11). But even in the knowledge of created things we encounter a serious limit, an infinite depth, and a relationship unknown to Aristotle.

We cannot know things

Or more precisely, we cannot know things in their essence. This follows from our knowledge of the unknowable God. We cannot know all that God intends with things, how providence will use them, how love will move them. We cannot know their God-relation, the inmost, God-moved hearts of things. Things, like God, are not known per se (through themselves) but by their *effects*. Their *selves* continue to belong to God.

In *De veritate* (1.2), Aquinas writes that “*res naturalis inter duos intellectus constituta (est)*,” a thing is constituted between two intellects, or two knowing subjects, God and the human being. The first intellect, writes Pieper, “denotes the creative fashioning of things by God; the second their intrinsic knowability for the human mind.” The sentence “signifies that things can be known by us because God has creatively thought them.” God’s intellect takes ontological precedence over things, because God’s intellect creates them. God’s creation gives them their essence. God’s creative intellect “gives measure but receives none.” It is God’s creative fashioning of things which makes them finitely knowable by us and finally unfathomable to us. “Things have their intelligibility, their inner clarity and lucidity, and the power to reveal themselves, because God has creatively thought them. This is why they are essentially intelligible [in themselves, not necessarily to us] . . . [T]hings are knowable because they have been created” (Pieper 53–56).

And things are unfathomable for the same reason. We cannot possess, constrain, or enclose them, because we cannot create them. Their God-relation, their createdness, their capacity for revealing themselves to us, remains rooted in God. This is part of why Aquinas insists that not just some things but all things whatsoever (*omnia quaecumque*) are *divinitus revelabilia*, divinely revealable, in their createdness (I.1.6; see *revelabilia* in Rogers 1999, index). This does not leave things mean and stingy in their knowability: it means

we cannot get to the bottom of them. They outrun us. They never exhaust their light. Aquinas's language for this is that we cannot know their essence. "The essence of all things (as creatures) is that they are formed after an archetypal pattern which dwells in the absolutely creative mind of God" (Pieper 61). "We can never properly grasp this correspondence between the original pattern in God and the created copy" (Pieper 63). To do so would be to stand in God's place, and to know this correspondence – how things stand in God – is to know their "essence," the most intimate place where God comes closer to a thing than it is to itself. Aquinas's statements of this sort are frequent and strong: "*Principia essentialia rerum sunt nobis ignota*," the essential principles of things are unknown to us. "*Formae substantiales per se ipsas sunt ignota*," the substantial forms are unknown through themselves (but through their effects or through the beatific vision by which God shares God's own vision with us). "*Differentiae essentialia sunt nobis ignotae*," essential differences are unknown to us (Pieper 65, quoting *In de anima* I.1.15, *De spiritualibus creaturis* 11 ad 3, and *De ver.* 4.1 ad 8).

In short, our minds are made to know things in the world, but not how they correspond to the mind of God. Pieper puts it like this: "We can of course know things; we cannot formally know their *truth*" (59). But in this system it is their truth – their God-relatedness or essence – that first makes knowledge possible. Aquinas turns the usual relation around: *Cognitio est quidam veritas effectus*. As Pieper writes, "this again is a revolutionary sentence of St. Thomas, of the kind that stands our more normal formulae on their heads: 'Knowledge is a certain effect of truth' . . . indeed of the truth of things!" (58, quoting *De ver.* 1.1). We can know *that* something is true, by inference from its effects, but not by deduction from its essence, not from the inside as if we had created its mechanism. We cannot know what *makes* things to be themselves. Inventing a realm of intentionality incomprehensible to Aristotle, Aquinas beholds a *mystery*, which is not first of all what we cannot know, but first of all their God-related fullness. There remains always more light from God's things. That is their unfathomability. If we regard our knowledge as certain, if we close things off, we impugn God the Creator. "According to the doctrine of St. Thomas, it is part of the very nature of things that their knowability cannot be wholly exhausted by any finite intellect, *because* these things are creatures,

which means that the very element which makes them capable of being known must necessarily be at the same time the reason why things are unfathomable” (Pieper 60).

The first question of the *Summa* remarks that “the truth about God such as reason *could* discover would only be reached by a few, and that after a long time, and with an admixture of many errors” – the truths about God (or God’s will or law) that reason could discover from *things in the world*, things to which God orders reason. But if “cognition is a certain effect of truth,” those truths constitute no second domain immune from mystery. Rather they too participate in the singular domain of veiling and unveiling, mystery and revelation. The truth of things is something that discloses itself, a small-r revelation. (For the fullest development of this motif, see Chapter 7.) It is not different in kind from the Revelation of God. Rather it is a domesticated species of the Revelation of God. Aquinas has so *aufgehoben* Aristotle that sacred doctrine, constructed as an Aristotelian science, does not *lose* scientific character by proceeding from Revelation; rather it becomes science par excellence by proceeding from Revelation (Rogers 1995:16–70). For no Aristotelian science proceeds except by its light, its indemonstrable first principles revealed to the understanding. It is only because created things have their light from God that they can show that light to us. Because the human being is made in the image of God the Knower, even natural science participates in the transfiguration of things (see Chapter 11).

The painter Oliver Sorkin (63–65) has applied this theory of things to the still life in an essay called “Painting and the Absence of Grace.” It also applies to natural law in the absence of grace. “To understand ‘seeing,’” Sorkin writes,

we should consider it less a transitive act (where someone is doing something to something) and instead think of it as the becoming actual of a capacity in things to be visible. If such a way of putting it sounds medieval, it also reminds us that the human realm is the sole opening in Being where an entity can become “this apple.” Without human sight and judgement, all the objectively distinct kinds of things that actually exist occur only as physical incidents among the untellable multitudes spread through the cosmos. Only through the attentive human gaze can the apple show itself as vermillion on one side with dark flecks, round but not spherical, of a

certain weightiness, with translucent skin, as lying in a wicker basket with green pears. This more ample sense of the existing of the apple comes about within the purlieu of human being – which is itself, being bodily incarnate, the experience of what it is to occupy space, have an inside, weight, and a visible surface. Such a sharing of nature from the inside allows sight to find a face in its objects amounting almost to clairvoyance . . .

. . . yet we should remember that actually to exist is not the native characteristic of anything. Neither the universe as a whole nor this pebble in my hand possess of themselves what it takes to exist. In this sense the existence of the world is wholly mysterious, yet – as I have suggested – luminously so. Inexpressibly other from the nature of every being, existence is received as the unreachable beckoning horizon within stones, the sky, brickwork rained upon, daylight, pools of reflecting water, apples in a bowl. A painter may spend a lifetime trying to translate this strange, innermost utterance of visible things. Yet inexpressibly other is not the same as inexpressibly alien, because the unknown pole of everything is precisely what imposes our humanity upon us.

The trouble with overly positive accounts of Aquinas, then, is not just that they ignore his apophaticism, his insistence on what we cannot say. The trouble goes deeper than that. They misunderstand even the positive things. They misunderstand them to the extent that they “ignore or ‘leave out’ this [unknowable] correspondence between things and their divine exemplars” (Pieper 61–62). They think to know all the light, but “we blink at the most evident things like bats in the sunshine” (I.1.5 *ad* 1). The fault lies not in things; the fault lies in shuttering things off, foreclosing their light, claiming to know them completely or by heart.

Natural lawyers sound as if they regard human knowledge as a secure possession in a way Aquinas denies; knowledge comes, as we have seen, “not as a possession but only as a kind of loan” (*In Meta.* I.3.64 in Pieper 90). Aquinas’s account “formally excludes the idea of a closed system” (Pieper 68). “*Creatura est tenebra inquantum est ex nihilo*”: the creature is twilit insofar as it is from nothing, that is, it has its being not from itself but from another (Pieper 67, quoting *De ver.* 18.2 *ad* 5). To divorce reason from faith and “over-value excessively this separated philosophical thinking” is, according

to Pieper (34), to confuse Aquinas with the Averroism that he opposed.

Truth and unfathomability go together. To dominate the mystery is not merely to overstep a limit, but to misunderstand altogether how knowability and unknowability together reflect the light of God. Therefore, according to Pieper, the structure of creaturely knowledge is a virtue, a complex, embodied, open-ended habit for dealing with changing circumstances of knowing, unknowing, and coming to know – rather than a rule in the rigid deontological sense of the word. The Ruler is not a yardstick but a governing Spirit. Appropriately, the virtue is a supernatural one. But it is not faith that Pieper names. It is *hope*. Hope concerns an arduous possible future good (I am speaking of the virtue, or rationalized passion, II-II.17.1). It is arduous in this life, and possible in the next, for its object is eternal happiness (II-II.17.2). This object is “the intelligible, or rather [Aquinas corrects himself] the *supra*-intelligible” (II-II.17.1 *ad* 1, 18 *ad* 1). “It seems to me,” writes Pieper, “that St. Thomas’s doctrine means that hope is the condition of the human being’s existence as a knowing subject, a condition that by its very nature cannot be fixed: it is neither comprehension and possession nor simply non-possession, but ‘not-yet-possession.’” Hope does not trust in things received – and so implies humility – but participates in a certainty that is to come, and so brings joy (II-II.18.4). “The knowing subject is visualized as a traveler, a *viator*, as someone ‘on the way’” (II-II.18.4 in Pieper 69).

But what does the self-correction mean, that hope concerns “the intelligible, or rather the *supra*-intelligible”? Is it any more than a gesture? The “intelligible” is subject to measure by the intellect. But hope depends on the First Measurer (II-II.17.5*sc* and *ad* 2), the divine Crafter. To enclose the law of nature within reason would, in Aquinas’s terms, confine it to the humanly intelligible. But inquiry, for Aquinas, is improperly confined there. Inquiry remains, in this life, always and inexhaustibly on the way. For Aquinas, those who confine the law of nature to reason detain it from its goal, which lies beyond itself. In detaining reason, they tend to one of two extremes: exhaustion, which forecloses inquiry by stopping too soon; or certainty, which accomplishes the same thing even more effectively. Aquinas calls the first despair and the second presump-

tion (II-II.20–21). They are the vices that lie to either side of hope, and arise from keeping reason in confinement.

This analysis conforms precisely to that of the *Romans Commentary*, where the sins of idolatrous Gentiles abound in metaphors of detaining, binding, subtracting, holding captive, and stopping short (*detenere, ligare, subtrahere, captivare, terminare*). All humans hope imperfectly. But we understand Aquinas poorly if we regard secular natural law theories appealing to Aquinas as merely incomplete. Nor do we understand him fully if we regard secular natural-law theories as merely mistaken about the character of creaturely knowing, which hopes not in reason alone but rather in the supra-intelligibility that lies beyond it. We understand Aquinas better if we also regard inquiry as a moral activity where premature closure culpably detains reason and holds nature captive.

This is most obvious where natural lawyers are most adamant, on the issues of sex and gender. If human beings are ordered to God, then they are ordered to One whom they cannot grasp, to a mystery. Aquinas in expressing this uses a sexual metaphor: he says “we are joined to God [*conjugamur*] as to One entirely unknown in this life [*omnino ignoto in hac vita*]” (I.12.13 *ad* 1). This joining, says Aquinas, takes place not by knowledge but by love, and *conjugamur* is the same word that we use when we speak of “conjugal relations.” So too when the human being is created male and female in the image of God, they partake of this mystery. (This is no longer Aquinas, but Aquinas read in the light of John Paul II.) Even when I am joined to my spouse in love, my good remains in someone whom I cannot control and whose depths I cannot exhaust: human sexual relations and the secrets of gender image our relation to God as a good we cannot grasp and a mystery we cannot solve. In God and in the image of God the human being is ordered to a good not her own. Natural lawyers claim to know too much about this, not because gender no longer matters, but because it has always mattered in more ways than one.

A modern biblical literalist could take Aquinas’s otherworldly end of inquiry as revelational positivism. Would Aquinas say that because the end of inquiry lies beyond us, we ought to turn to the Bible for adjudication, when reason and revelation conflict? I take up that worry in Chapter 5. But in his analysis of hope, Aquinas

gestures in a different direction. He considers a human being *in via* who has also “reached” the end of inquiry, who actively enjoys it. That is of course Jesus, at once wayfarer as human and comprehensor as God (II-II.18.2 *ad* 1). Formed completely by love, Christ represents the only fully *appropriate* human knower; as God the Logos, Christ structures the world in the first place. Aquinas explains how Christ can both acquire and already enjoy the truth (III.12 and III.10; see Chapter 8). Knowledge, for Aquinas, is not “information” that you have or lack: it’s a skill you use. In this case, Christ exercises two distinct skills: following a created structure, or composing and dividing, as a human being in this life; and contemplating the beatific vision, or regarding God with God’s own vision, as one of the blessed. The understanding that knowledge is a skill to be exercised rather than a possession to be consulted has, by the way, everything to do with how habits display reason without “stopping to think,” as the next chapter will show. But the point here is that putting the end of human inquiry beyond reason can avoid literalist consequences, if Aquinas represents the end of inquiry as a person rather than a text. That is so because the inquiry is self-involving: it means to change the inquirer.

To sum up, the inexhaustibility of things also places the human knower into a distinctive relationship. Things accompany us knowers in this life (I-II.4.7). They disclose themselves to us on the way and sustain our hope. Unlike God, they are not our final end; unlike love, they are not to be our deepest form. But they constitute us fellows to themselves and (since humans are creatures too) to one another. If we think to know them completely, we cease to know ourselves as *viatores*; if we claim to know them apart from God, we depart from hope. The natural lawyers come to resemble the *philosophi in mundo* whom Aquinas opposes (*In Rom.* 1:20, §122), the pagans who “subtract” from God’s power and glory and become idolaters. Rather,

we must say that the distinction and multitude of things come from the intention of the first agent, who is God. For God brought things into being in order that God’s goodness might be communicated to creatures, and be represented by them; and because God’s goodness could not be adequately represented by one creature alone, God produced many and diverse creatures, that what was wanting to one

in the representation of the divine goodness might be supplied by another. For goodness, which in God is simple and uniform, in creatures is manifold and divided. And hence the whole universe together participates the divine goodness more perfectly, and represents it better than any single creature whatever. (I.47.1)

Things accompany the journey and sustain our hope for a reason: they represent and communicate the goodness of God. It is thus that God *provides* for us. Created things constitute us those who journey from the image of God into the likeness of God also in this: that we come to share God's judgment at creation – when God saw what God had made – that the things God made are *good*. Aquinas's grateful acceptance of all that is stands in some contrast to the natural lawyers' skepticism about human appetites and the goods that call to them, as if only ghostly reasons and angelic reasoners could be really good. For Aquinas, it is not only human minds that know the goodness of God, but the things themselves, as they represent and communicate it. Not to see this is not just to know things incompletely: it is to misapprehend their depth and point.

If the unfathomability of things sustains the wayfarer with hope by communicating the goodness of God, that is a sacramental image. One of the most unfathomable things for Aquinas is the waybread of the eucharist and the hope of glory. This thing is transubstantiated. Other things, on that account, also represent and communicate the goodness of God. They are transubstantiable, sacraments in waiting. Thus Aquinas can say that in general “a thing may be called a ‘sacrament,’ . . . from having a certain hidden sanctity” (III.60.1), and that “Signs are given to human beings, to whom it is proper to discover the unknown by means of the known” (III.60.2). Most things do not retain this quality as a “habitude” (III.60.1), but if they have it as a twinkle, and lead us to contemplate what we do not know, then they may be sacramental.

We cannot know singulars

It sounds technical, but the upshot is shocking: We cannot *know* what to do (in the sense of knowing God's will) in concrete

situations. Aquinas has an additional, completely general reason why humans *must* disagree about the particulars of the natural law. The reason is not pragmatic in the informal sense of the word, as you might suppose from a cursory reading of his remarks about “contingent matters.” And it is not cultural, as you might suppose from his example of the Germans. No, humans must disagree about the particulars of the natural law because *only God can know them*.

Aquinas defines natural law, as is well known, as rational “participation” in God’s eternal law (I-II.90.2). It is recognized less often how Aquinas qualifies that participation. Two words remind us that participation is no possession or control, but a part only, the general or (as we see below) “less useful” part (II-II prol.). The qualification in “whether there is in us any [*aliqua*] natural law” may look colorless. We partake in it “somewhat” (*aliqua*liter). The example is broad – good and evil – implying to some, perhaps, that we know it all. But the *aliqua* and the *aliqua*liter, the “some” and the “somewhat,” with which Aquinas’s language repetitively chastens our participation, refer to something quite sharp. The qualifications remind us that God can know particulars, or, in technical language, “singulars” (I.14.11) – *and we can’t* (I.86.1).

In explaining how God knows singulars, or what Providence requires in each case, Aquinas considers two theories. Perhaps God knows singulars because God reasons better than we do from universals to particulars. Aquinas rejects that theory because it smacks of degrees. No, the reason why God alone knows singulars concerns the way God is not like us *at all*: God knows singulars because God *made* them. It is the causative knowledge, by which God created the world, that gives God knowledge of singulars. Even deified creatures in heaven never, in orthodox Christianity, receive power to make their own worlds. If we do resemble God as makers, it is a matter of metaphor rather than degree: authors and artists make “worlds” of their own and “know” their characters: but we recognize the resemblance as remote (see I.1.10). If we claim to know singulars, we claim to provide for the universe, to author our own place, to make our own planet. We must act without *scientia*, but we may act with virtue. Acting with virtue cooperates with providence, because, in Aquinas’s ontology, love always unites.

Humans, on the other hand, *cannot* know singulars for another deep reason: humans and other singulars are both embodied. That

is no bad thing. Embodiment is strictly appropriate to the world God made. And God made embodiment a *means for love* for material creatures. We could not hug our mothers without bodies, or have sex, or be glad to see a friend. Nor could the Son of God, without a body, sacrifice it for human sins. Embodiment makes a good limit to *enable* love among creatures. That limit also enables sense perception, both because matter has sensible properties, and because our sense organs receive them. The limits of sense impression through matter cause us to need one another, another good effect for finite creatures. The very materiality that enables our reason also limits it: “[O]ur intellect . . . understands by abstracting the intelligible species from . . . matter. Now what is abstracted from individual matter is the universal. Hence, our intellect knows directly the universal only” (I.86.1).

Now obviously we do know singulars in some way – we recognize our friends. But about that we can be mistaken (I.85.6 *ad* 1). How to explain the knowledge and its failure? Such cognition of singulars as we do have, Aquinas explains, comes “indirectly” and, doubling the words that weaken this assertion, “as it were by a kind of reflection,” *quasi per quandam* (I.86.1). Unlike God, we think without the things themselves. For us, this is a principle: “things are intelligible in proportion as they are separable from matter” (quoting Aristotle, I.85.1*sc*). The notion of “separation” is crucial, because it bears on the gift of the natural law that we become able to “discern” good and evil (I-II.90). The primary meaning of *discerno*, in Latin, is first to sort or separate, and only then to see. The human separation of good from evil remains general, by our constitution as embodied spirits. It belongs not to our ability to “see” in the strong sense of “speculate,” or “mirror,” which in the paradigm case of the beatific vision belongs only to God and the blessed in the next life. Moral discernment, to the extent that we participate in it, belongs rather to our creation in the image of God as ones who order our acts to an end (I.1.1; I-II prol.) – it remains *practical*. Like virtue, separating good from evil is a skill we *exercise* rather than information we consult, and we learn it haltingly by *imitation*. Precisely for that reason it dare not claim to know too much. For our creation *in* the image of God is also *to* the image of God – God is our destiny; and precisely that remains “entirely unknown to the human being in this life.” To

reach an unknown Good we need a self-transcending form of growth, the virtues formed by love (in a formulation of Joseph Naron). For only love can join us to One unknown (I.12.13).

What we cannot know about the natural law is rooted in the fact that we are yet creatures and not God. What we cannot know is also ordered to the goal that we are creatures conjoined to the unknown God in love, with that strong, embodied, sexual metaphor. In this embodied life, surrounded by singular creatures, we practice our destiny, that our bodies, our hands and feet, join us in love to those, our neighbors, whom we can barely know. Indeed, if God's providence continues God's creatorly care for the world, then we both participate in the knowledge of general principles, and fail to know particulars, for the same reason: that it is God that rules the world and destines us to the trinitarian friendship. To get there, human beings need one another.

This procedure has the effect of reinforcing, rather than qualifying, the first principle of natural law, "good is to be done and pursued, and evil is to be avoided," as a remarkably open-ended, indeed "indemonstrable" proposition, after which, as soon as we descend to particulars, we experience disagreement – or perhaps better, we find ourselves needing one another in order to understand (I-II.94.2). Modern proponents of natural law tend to agree with Isidore, in the *sed contra* of that article, that natural law is common to all – and disagree with Aquinas, whose contribution in the remainder of that article is to qualify Isidore's statement into the ground. Aquinas affirms the commonality of natural law not to testify to its presence, but to name its task, mourn its loss, and acclaim its restoration by grace. Aquinas affirms the secular commonality of natural law, that is, precisely in order to shift it firmly into a religious context: its miraculous writing on the heart by the indwelling of the Holy Spirit (I-II.106.2). So Aquinas reconnects the law of nature with the overflowing mystery of God.

He also opens the door to see that natural law's apparent commonness to all is not a given already perfected but a task to be achieved by conversation, over time, among people who differ. The commonness of natural law, such as it is, becomes a *joint* effort, and the hope for it remains *arduous*. It is an effort that once failed must be re-begun. So far from a perennial possession, it is an achievement unreached.

The un-knowledge of singulars, like the un-knowledge of God and the un-knowledge of things, in turn creates knowers in relationship. Here the relationship is that we need one another, particularly the wise, to know what to do in concrete cases. This is not meant to land us in situation ethics. But it is to say (to use the example against Aquinas) that when Abraham heard God tell him to kill Isaac, it would have been good to ask Sarah if she had heard the same voice. It is to say that for Aquinas rules are *in principle* unable to take us the final step, because the rules are generalizations from Providence, and Providence comprises a set of singular right actions to which we lack complete access. That incompleteness is not finally arbitrary, because God is good; but it is not yet trivial, because Providence contains many singularities. Our knowledge remains radically insecure, and leaves us clinging to one another. Here again the incompleteness is no mere deficit, but changes everything, because it brings us to need one another. The prophet needs the pragmatist and the pragmatist the prophet, now until doomsday. That our ignorance brings us together transfigures it again.

Aquinas's best example of this promotes a Samaritan woman over a pope. It appears in the article about whether some have more faith than others (I-II.5.4), but stands for other variations of habit.

Wherever we find great and little, there we find more or less. Now in the matter of faith we find great and little, for Our Lord said to Peter (Matt. 14:31): "O thou of little faith, why didst thou doubt?" And to the woman he said (Matt. 15:28): "O woman, great is thy faith!" Therefore faith can be greater in one than in another.

So also intimations of providence.

We cannot know conclusions from precepts

This is no by-the-way concession in the midst of Aquinas's discussion of natural law. It is a structural reason for preferring the virtues, the reason that justifies his turn to the particular virtues of II-II, the fattest of the parts of the *Summa*: "After the general consideration of virtues and vices and other things pertaining to moral

matters, it is necessary to consider individual virtues in particular: for general discussions of morals [*sermones morales universales*] are less useful [*minus utiles*] than one about actions in particular cases” (II-II prol.). The general precepts of natural law, therefore, are not where Aquinas wants, on consideration, to spend his time.

Morals has several difficulties coming to universal conclusions, because

the speculative reason [concerning what is] . . . is differently situated in this matter from the practical [concerning what to do]. For, since the speculative reason is busied chiefly with necessary things, which cannot be otherwise than they are, its proper conclusions, like the universal principles, contain the truth without fail. The practical reason, on the other hand, is busied with contingent matters, about which human actions are concerned: and consequently, although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects. Accordingly then in speculative matters truth is the same in all human beings, both as to principles and as to conclusions: although the truth is not known to all as regards the conclusions but only as regards the principles which are called common notions. But in matters of action, truth or practical rectitude *is not the same for all, as to matters of detail, but only as to the general principles.* (I-II.94.4)

This ignorance too – the structural inability to draw conclusions from contingent matters – also constitutes us in a distinctive relation. It causes us, as the prologue to II-II indicates, to need *virtues*: to need habits flexible, open-ended, and evidently designed, Aristotle and Aquinas observe, to deal with unpredictable contingency. Learning from what the wise have done serves us better than sermons about universal morals, Aquinas maintains, and that constitutes us apprentices to them. That is the principled reason why Aquinas is against deducing (not necessarily against deriving) conclusions from moral precepts and in favor of habituating virtues in action. To him it seems obvious: The skill is more reliable than the reflection on the skill. The cook who knows how to cook without telling the measurements, the musician who knows how to finger the string without a ruler, the peacekeeper who knows how to separate the combatants without consultation: they all

deploy reason, the right *ratio*, more reliably in action than in sermon. You want to do what they do, not ask them to say it. For Aristotle and Aquinas, if not for Kant and Descartes, this is an elementary fact of human nature. Aquinas describes this elementary fact when he writes that, prior to reflective reasoning, the rule and measure is “in” us and we “partake” of it “insofar as, namely, from its being impressed on them, they have their respective inclinations to their proper acts and ends” (I-II.91.2). This feature of natural law, partaking by inclination, is more general and more primitive – and evidently more reliable – than second-order reflection, if Aquinas is to be believed when he says, right at the beginning of II-II, that *sermones morales universales* are *minus utiles* than *actiones in particularibus*. If you disagree, Aquinas thinks you haven’t been paying attention to how humans actually work. That is why the last kind of unknowing puts us into relationship with other people, not in general, but as apprenticed to models. And that is how finally the image conforms to the exemplum and the plan of God’s providence succeeds: God provides Christ to be the right model, since only virtue in act teaches virtue to act, or “that which is in potentiality is reduced to act by that which is in act,” and therefore “human beings are reduced to [their] end by the humanity of Christ” (III.9.2).

That concludes the account of how knowledge and unfathomability hang together. As the correct mean between those extremes, knowledge and unfathomability place us in distinct relationships. The unfathomability of God orders the imaged creature to an End unknown. The unfathomability of things sustains the wayfarer in hope by communicating the goodness of God. The unfathomability of singulars causes us to need one another. And the uncertainty of conclusions apprentices us to the wise. None of these provides regulatory content. Rather they make good on ignorance. But just that, Aquinas says, is *optimal*: The good of the human being remains “in a kind of shadow of ignorance [*quadam tenebra ignorantiae*], by which ignorance, insofar as it pertains to this life, we are best conjoined to God [*optime Deo coniungimur*] . . . and this is the cloud in which God is said to dwell” (*In 1 Sent.* 8.1.1 *ad* 4 in Preller 271; see Chapter 10). *Optime*, because the relationship so constructed depends on love (I.12.13 *ad* 1).

Nature Belongs Together with Failure

Natural law belongs together with failure in the narrative of the *Romans Commentary*. But even the *Summa* is Augustinian enough to hold nature and failure together in three ways: in terms of structure, mechanism, and Aquinas's treatment of Isidore of Seville.

Structurally, natural law belongs to the extrinsic causes of human acts (extrinsic, as coming from God; internal, as working within us: I-II.90, proem.). The intrinsic cause is virtue (I-II.49, proem.). The law of our nature, contrary to the new natural law theory, is not one that, Kant-fashion, we give ourselves. It's extrinsic (from outside), even if it comes to work internally. Natural law is not the first extrinsic cause to show up in Aquinas's exposition. The first extrinsic cause in the order of exposition, the subject of the 29 questions (I-II.71–89) immediately preceding eternal law, is *sin*. Or more precisely it is “the extrinsic cause inclining to evil,” which “is the devil, whose temptation was discussed in the First Part” (I-II.90, proem., referring to I.114). Long before we get the question on eternal law, the *term* shows up in Augustine's definition of sin (I-II.71.6). We can see how the immediately foregoing treatment of sin extends its influence even into the tractate on law when we observe that Aquinas treats “the law of the members” – or sin – as itself a kind of law (I-II.91.6). If you read the *Summa* in order, it would be impossible not to see the law of nature as a response to sin.

Not only the structure of the *Summa*, but the characterization of law as extrinsic suggests that law responds to sin. If you follow up Aquinas's recommendation to compare the extrinsic cause of human action which is law, with the extrinsic cause of human action which is the devil (I.114.2), you find something interesting: “Demons know those things which happen outwardly [*exterius*] among human beings; the internal condition of a human being God alone knows,” since God alone can also move the human being inwardly. For God to move human beings outwardly is therefore to repair the environment rather than to move the human being from within by love. To the extent that law's mechanism really is “extrinsic,” the mechanism is also responsive. Human failure is that against which the law makes itself felt – in the breach, in pangs of conscience. It is the extrinsic action of God – completely of a piece

with Torah and grace – where virtue has become vice. Law becomes a reflective topic of reason precisely in nonhabitual contexts: when the habit of virtue remains undeveloped (teaching), and when it fails (vice). Since only grace brings about what law seeks, natural law in *isolation* from grace is not only a response to failure (vice), but a failed response to failure, law *manqué*. Thus “‘by the Law is the knowledge of sin’ (Romans 3:20)” (I-II.98.6).

Nevertheless, response to sin is only a second-best interpretation of law’s extrinsic mechanism. Law is best understood as a remainder concept left over from grace, where the extrinsic New Law, written on the heart, becomes most intrinsic, a new form within the human being, overcoming extrinsic and intrinsic as a false dichotomy where God is the mover.

Aquinas also displays his interest in natural law’s failure as he reinterprets Isidore of Seville. At the beginning of this chapter we saw Aquinas manipulate Isidore to make practical reason less certain than speculative reason. There Aquinas all but reversed Isidore’s answer to “Whether the natural law is the same in all human beings” (I-II.94.4). Isidore (*Etymologies* V.4) says “The natural law is common to all nations,” and Aquinas does not contradict him. But by the time the master is through, he has explained it away: “in matters of action, truth or practical rectitude is *not* the same for all.” The official conclusion (“consequently”) recapitulates the same ambivalence:

Consequently, we must say that the natural law, as to general principles, is the same for all, both as to rectitude and as to knowledge. But as to certain matters of detail, which are as-if conclusions [*quasi conclusiones*] of those general principles, . . . in some few cases it may fail, both as to rectitude . . . and as to knowledge . . . : thus formerly theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans, as Julius Caesar relates (*De Bello Gallico*, vi).

What are we to make of the many switchbacks?

First of all, the conclusions of practical reason are no conclusions in the strict sense: they lack the certainty of speculative conclusions, even if they stand in the same place in the argument: therefore twice in the article Aquinas flags them as *quasi* conclusions, conclusions

improperly so called. He takes this caution to arise from the matter itself. Beside the fact that stealing is wrong remains the fact that knowledge is difficult. The fact of the matter about taking something not our own is known in its true depth only by God, and not necessarily by us. Even for something as obvious as stealing, the truth of the singular case is stored up in the unknown God. For all things belong to God, and their earthly disposition is all too shallow. Here Aquinas displays his interest in explaining a signal feature of natural law: not why it holds, but why it falls short, and even why it fails.

In the *Commentary on Romans*, as we will see, Aquinas lays out scriptural reasons for insisting on that – Paul tells the story of nature as a character bound and debauched. Indeed, the pattern holds, in every article of the question on natural law, that Aquinas agrees with Isidore on the surface, appearing to say something positive about natural law, and disagrees with him in the details, spading over all the ways in which Isidore’s generalization fails. Aquinas is excavating the space between the claim to truth and the claim to knowledge. He opens a place for truth both to be and to be unknown. There is a law of nature, because God is provident. We recognize our ignorance, because scripture offers narratives of failure. Aquinas has no doubt that there is a natural law. But he is just as sure that it fails. And that failure interests him. It interests him because Romans mentions the law of nature only to explain why humans bear *guilt*. From the law comes the knowledge of sin. *Paul’s* move, Aquinas has noticed, is to infer the existence of natural law from its failure.

Aquinas’s interpretation of Isidore forms a pattern throughout question 94. In every case he gives a deconstructive answer – one that appears to agree with a positive assessment of natural law, then takes it back in detail. Readers who hear these articles as uniformly positive have found Aquinas’s prose so flat as to lose their sense of tone.

Question 94 “Of the natural law” qualifies, minimizes, and undermines Isidore in the response to every article. In article 1 – “Whether the natural law is a habit” – the expected answer is yes. Yet the *sed contra* notes that “the natural law is in infants and the damned *who cannot act by it*.” Aquinas is fascinated once again by these failures of natural law. His response makes a sweeping conces-

sion: since it is innate (a developmental potency) in all human beings, but not effective in all, “properly and essentially natural law is not a habit.” Instead, it is the reason why we so act, if and when we do. It conditions the *possibility* of right action – a possibility realized not by nature alone, but by nature when grace aids it.

In article 2, “Whether the natural law contains several precepts, or one only,” the official answer is “several”: but the demands of unity in the moral life wax so strong that Aquinas grants the human being “a natural inclination to know *God*.” This derives from the first of the two great commandments, to love God and neighbor. It appears in this article so that the parallelism of “a natural inclination to know God and to live in society” may mirror that of Jesus’s two commands. The formulation also recalls the traditional distinction of the Ten Commandments into two tables of laws about God and one’s fellows. The sentiment comports beautifully with Christian doctrine, and is devoutly to be believed: but *moderns* will hardly follow Aquinas to assign to nature the love of *God*, nor expect secular, federal courts to uphold it without beginning to establish a religion.

In article 3, “Whether all acts of virtue are prescribed by the natural law,” the expected answer is yes. But the affirmative says at once too much and too little for modern natural lawyers. It says too much, because many of Aquinas’s acts of virtue – faith, hope, and love – are clearly more than natural according to the modern (post-nominalist and post-Reformation) use of the word, and belong to religious practice. It says too little, because once again it turns out that Aquinas holds the details at arm’s length on principle: “many things are done virtuously, to which nature does not incline at first; but which, through the inquiry of reason, human beings have found to be conducive to living well.” One thinks of viticulture. The Blackfriars translation “have found” weakens the Latin, which is *adinvenierunt*, “they have invented for a purpose.” The subject of *adinvenierunt* is not God but *homines*. And the verb is in the perfect plural. In *this* sentence natural law is *invented*, by human beings, for human flourishing. And the inventing is not timeless, but perfected, plurally, over time. Not only does the verb open to learning about or even changing one’s nature over time, but it provides a way to explain both agreement and disagreement as they too arise and vary with time. An example appears in this

very article. Same-sex relations provide for Aquinas an uncontroversial example of something against nature (*ad 2*), whereas they now provide, for many twenty-first-century Christians, highly controverted examples of things that some of the wise, through the inquiry of reason and in consultation and disagreement with others, have found conducive to human flourishing.

In article 4, “Whether the natural law is the same in all men,” the expected answer is yes. But article turns out to meditate on how “this principle will be found to fail the more [*magis invenitur defectus*], the more we descend into detail.” So far, that is, from delivering content, Aquinas states a principle about content’s *defectus*, the first meaning of which is its “revolt,” and the second its “failure.”

In article 5, “Whether the natural law can be changed,” the implied answer is no, but we see again the pattern whereby Aquinas only appears to affirm Isidore. No, it can’t be changed, Aquinas says – except, of course, by God. God can command Abraham to kill his son or Joseph to frame Benjamin because after all every life and every object belong to God, so that what seem to be murder and theft are not if God commands them. This is the sort of thing (defended on a different theory) for which William of Ockham gets a bad name – but both Ockham and Aquinas have to explain the Bible. Admittedly this application of God’s knowledge of singulars is rather sinister. But, like the other articles of question 94, it has the effect of deconstructing natural law as usually understood. It affirms that murder, adultery, and theft can be *in accord with natural law*, if God commands them. They are not arbitrary, but belong to the narrative logic of providence: and yet clearly, this is no longer the natural law as its modern proponents understand it.

Finally in article 6, “Whether the law of nature can be abolished from the heart of the human being,” the implied answer is no. Aquinas’s response distinguishes between “certain most general precepts” and “secondary and more detailed precepts.” Since the first principles are only “do good and avoid evil,” it is clearly the second, more detailed set that can alone do us any good in settling moral disputes. But that’s just what Aquinas says we cannot have.

As to those general principles, the natural law, *in the abstract*, can nowise be blotted out from men’s hearts . . . But as to the other,

that is, the secondary precepts, it can be blotted out from the human heart by faulty persuasions, just as in speculative matters errors occur in respect of necessary conclusions; or by vicious customs and corrupt habits [referring to Romans 1, to which we turn in Chapters 5 and 6].

Here again Aquinas's qualifications focus on failure. Why can't natural lawyers see that? Because they are trying to present a system disentangled from Augustine and the Bible. But that's difficult to do, when Aquinas first introduces eternal law to define sin with a quotation from Augustine (I-II.71.2).

Thus no article in the question on natural law supports the modern use. The article that comes closest (article 2, about precepts) does mention some: preservation of life, procreation and education of offspring, living in society. But those things hang together inseparably with the knowledge of *God*, to which, Aquinas insists, reason also inclines, since both belong to the two great commandments about love of God and neighbor (I-II.100.3, obj. 1 and *ad* 1), as well as to the Ten Commandments (I-II.100.3c). According to I-II.100, all the moral precepts of the Torah belong to law of human nature (100.1); the moral precepts reduce to the Ten Commandments (100.3); therefore the Ten Commandments give content to the law of human nature (in the questions about precepts all the way through II-II). Nor can one dismiss that remark as an *obiter dictum* about a purely natural knowledge of God, since the Ten Commandments, content of the natural law, extend to keeping a Sabbath day (I-II.100.3 *ad* 2), worshipping without idols, and honoring God's name (100.4c). Sweepingly, "the Decalogue includes those precepts the knowledge of which the human being has self-evidently [*per seipsum*] from God. Such are those which with but slight reflection can be gathered at once from the first general principles: *and* those also which become known to the human being self-evidently [*per seipsum*] through divinely infused faith" (I-II.100.3). Note well: faith and nature *both alike* belong to the single, integral category of what the human being knows self-evidently or *per seipsum*, and belong, by implication, to those things to which our nature inclines us. It sounds as if both the things of reason and the things of faith can be natural to us, in the sense of using our nature.

But how can it be that the things of *faith* fall under a law of *nature*? Isn't that a contradiction in terms? That brings us to our third topic of reintegration.

Nature Belongs Together with Grace

Including the knowledge of *God* under the inquiries of human *nature*, and summing up natural law under the love of neighbor and God, Aquinas is being perfectly consistent in his own terms – just not by modern lights. In I-II.93.2, he asks whether the eternal law – not the natural law, but God's own law – is known by all, and the answer is that human beings have a share in it by nature. But Aquinas integrates nature with grace and destines it for grace. So he answers that, by providence, God's own eternal law can be known (*nota*) in its effects. Not only the light of natural reason is God's effect, but so is grace. Not only nature belongs to providence, but so does grace. Providence unites what moderns divide. It bears repeating: Grace too is God's effect. Even Christ is God's effect (III.1). What's natural is to know effects, and to know grace is, in that sense, still natural. Nature is just the place, as it were, where grace reveals itself. (Bernard says that the entire work is *in* the will just because the entire work is *by* grace. Aquinas's own language is that nature provides the matter for supernatural charity to form, II-II.2.9 *ad* 1). Aquinas's God does not leave behind the light of natural reason when grace acts, but elevates it. So Aquinas finds it strictly necessary to say what appears so contradictory to us, that natural law works not in the damned but (by implication) only in the saved, and that it works self-evidently to human reason "whether through nature or through faith" (*per se nota rationi humanae, vel per naturam vel per fidem*, 100.3 *ad* 1). This also explains why Aquinas identifies the law of nature indifferently with the law of the Hebrew Bible or the Ten Commandments, or why he speaks of grace writing the law on the heart: in all those cases it is the one Providence sharing the eternal law with our reason by various means: nature, grace, Torah, Decalogue, Jesus. To Aquinas, they are all effects of the one God working out the singular purpose of participating us in God's law, which is to grant us a share in the divine nature (I-II.112.1). The law of nature, for Aquinas, does not differ

from the law of the Decalogue in the Hebrew Bible, nor from the Great Commandments in the saying of Jesus, because it is one nature that God is enlightening and elevating for one purpose. One God, one law of nature in God's hand. If we observe that "nature" changes its meaning in the process, Aquinas says yes! For nature is what God does with it, is God's creature and God's effect, God's moved mover, matter to charity's form. Thus it is no category mistake on Aquinas's part to identify revealed and unrevealed laws as natural – it is a category mistake on our part to separate what for him so clearly hang together. Aquinas's "nature" unites what contemporary idiom divides, all the works of God in creatures. For that very reason *Aquinas's* nature has little place in a jurisprudence that must divide what the Middle Ages unites.

The things known by reason, furthermore, are of no use for salvation without faith.

Believing in God does not belong to unbelievers under the rationale that the act of faith proposes. For *unbelievers do not believe that God exists under the conditions that faith determines*. And therefore they do not really believe in God at all, since, as Aristotle says in the 9th book of the *Metaphysics*, "to have a defect in the cognition of simple (indivisible) things is not to know them at all." (II-II.2.2 *ad* 3)

Knowing things about God by reason adds to the merit of believing only if *faith desires* that those things be true (II-II.2.10). Indeed, so that the virtue of faith will not be diminished, "it is necessary for the human being to accept by faith not only those things which are above reason, but also those things which can be known by reason" (II-II.2.4). The exception proves the rule: Demons, according to James 2:19, "believe and tremble." What does it mean that "demons believe"? Demons, says Aquinas, have stronger minds than humans do, so they can know by their own powers things that humans can't, such as that Jesus is the Son of God: but they *hate* the fact, turning the knowledge to their discredit (II-II.5.2 *ad* 3). Those who are "in a way compelled to believe, by the evidence of signs . . . deserve no praise for their 'belief'" (II-II.5.2 *ad* 1), as if those who wait for proof are demons. So too what humans can know has no merit, unless God has already joined their *wills* to God in love.

We see the same move in the *Commentary on Romans*, where Aquinas remarks that “the philosophers, led by reason, were able, by the things that had been made” to come to the cognition of God, but “nevertheless they are said to have lacked the third sign, that is, the Holy Spirit” (*In Rom.* 1:20, §122). That is a trinitarian way of saying that their cognition of God is ineffective because they lack love, for, as Aquinas’s hearers know, love is the name of the Holy Spirit (I.37).

It is that love which alone can *form* nature into something deserving: “Nature compares to charity – which is the principle of merit – as matter to form” (II-II.2.9 *ad* 1). In all these passages, Aquinas is not interested in nature unless it includes faith; and he is not interested in faith for its own sake, but as that which moves the intellect by *love*. Indeed, the Holy Spirit, whose proper name is love (I.37) is the presence of love in the lover for everything in the world, if especially for rational creatures. This is no exception to the course of nature, but its innermost cause, for in the depths it is the weight of the Holy Spirit that moves the sun and the other stars. Love, at the other end of the cosmic scale, is that by which God shares God’s very self by grace. Nature, in short, is of interest just as the matter that God can make deiform (I-II.112.1). “The letter, even of the gospel, would kill, unless there were the inward presence of the healing grace of faith” (I-II.106.2c *in fin.*). That is why Aquinas has the incarnate God in Jesus teach us what *nature* is, because nature cannot be itself until love forms it.

Now, a significant objection arises to this line of thought: Aquinas does make a qualification in favor of nature. The tractate on grace opens with a series of 10 articles on “the necessity of grace” (I-II.109), all but one of which take the form “whether the human being can do *x* without grace,” and receive the answer no. Can the human being wish or do any good without grace? No (109.2). Can the human being love God above all things by her own natural powers without grace? No (109.3). Can the human being fulfill the commandments of the law by her own natural powers without grace? No (109.4). Can the human being merit everlasting life without grace? No (109.5). Can the human being, by herself and without the external aid of grace, prepare herself for grace? No (109.6). Can the human being rise from sin without the help of grace? No (109.7). Can the human being avoid sin without grace?

No (109.7). Can one who has already obtained grace do good and avoid sin of herself and without further aid of grace? No (109.8). Does the human being possessed of grace need the help of grace in order to persevere? Yes. (109.10). The last question differs in form only, and proves the rule – grace is necessary for all moral good. But the astute reader will have noted another exception. I began this list with article 2. The real exception is article 1, “Whether *without* grace the human being can know any truth.” And the answer is yes. This would seem to be a positive exception in favor of natural law, in the very realm in which it is most valuable, that of moral knowing.

But that interpretation would take article 1 out of the context of all the succeeding articles that emphasize the need for grace. How do we interpret these two things *together*: the recognition of the truth, *and* the need for grace? How does article 1 set up and prepare the nine articles that follow? The answer is simple. Aquinas wants to affirm that the recognition of the truth *doesn't work*. The law, which is intended to lead human beings toward the good, *fails*. It is the old Pauline–Augustinian pattern:

I do not understand my own actions. For I do not do what I want, but I do the very thing I hate. Now if I do what I do not want, I agree that the law is good . . . I can will what is right, but I cannot do it . . . So I find it to be a law that when I want to do right, evil lies close at hand. For I delight in the law of God, in my inmost self, but I see in my members another law at war with the law of my mind and making me captive [a word Aquinas uses for nature itself] to the law of sin which dwells in my members. Wretched one that I am! Who will deliver me from this body of death? Thanks be to God through Jesus Christ our Lord! . . . There is therefore no condemnation for those who are in Christ Jesus. For the law of the Spirit of life in Christ Jesus has set me free from the law of sin and death. (Rom. 7:15–18:2)

In his tractate on grace, Aquinas preserves the knowledge of truth without grace in order to preserve, not the law's success, but its *failure*. He needs to show the truth feckless, the law *manqué*, the human being *culpable*. He needs to show the law's failure, the better to praise God's mercy. Aquinas can no more abandon this pattern

than he can abandon Paul and Augustine. And his Romans commentary shows it.

Indeed, a close reading of the article reveals that Aquinas's temptation is not to overvalue natural knowledge without grace – but to undervalue it. His regard for the Holy Spirit is so high that he finds himself constrained, in the very article in which he seeks to preserve human accountability for sin, to credit the Spirit at every turn. Not only does God create us with reason, but we cannot know the truth unless God moves us to it *in every act*. “The act of the intellect or of any created being whatsoever depends upon God in two ways: first, inasmuch as it is from God that it has the form whereby it acts; secondly, inasmuch as it is moved by God to act” (I-II.109.1 c.). If we act, it is God sharing; if we fail to act, it is our blockage. The two are not symmetrical, because human agency is not primary. Thus “Every truth by whomsoever spoken is from the Holy Spirit as bestowing the natural light, and moving us to understand and speak the truth” (*ad 1*), and “We always [*semper*] need God's help for every thought, inasmuch as he moves the understanding to act” (*ad 3*). These strong assertions of God's primary causality, even when we use our natural powers, Aquinas nevertheless finds compatible with sin, because they do not necessarily extend so far as the Holy Spirit's “dwelling in us by sanctifying grace, or as bestowing any habitual gift superadded to nature” (*ad 1*). Here again the pattern is clear: God preserves some accountability, even in the face of sin; the Holy Spirit continues to shine in the intellect, precisely to locate sin in the *will*. (We will see that Aquinas elsewhere asserts the will's ability to mislead the intellect, so that he can also hold the human being accountable for culpable ignorance.)

This pattern, so deep in Aquinas as to pass in many authors without saying, makes it harder to disentangle Aquinas's so-called philosophy from his theology. Even when he asserts the stability and reliability of the human intellect under conditions of sin, he asserts both the ability and its failure for theological reasons. If the human ability to see natural truth is reliable even without God's sanctifying grace, it is still not reliable without God's continual *help*. God perseveringly keeps the intellect in operation, even when the will falls into sin. This continuing intervention of God in every act of the human intellect, moving it to its object, both keeps the

human being culpable, and anticipates the work of sanctification. If human nature is reliable, that is not because nature is independent, but because God is faithful. Aquinas trusts nature because God is guiding it. This strictly relative independence of the human knowledge of nature is not “philosophical,” but theological all the way down, that is, not only in origin, but also in form (I-II.109.1). It reflects God’s relative preservation of the intellect from sin to confine guilt more closely to the will. If one wanted to separate the divine and natural moments of knowing, contrary to Aquinas’s whole procedure, that would be less difficult to do if God “only” created human reason and then left it alone. But for Aquinas, God never leaves us alone. The Holy Spirit moves the intellect to its every act, even if the Spirit enlightens the mind before it turns the will. Aquinas here resists any attempt to *isolate* a human act from God. That can happen only by the act of the *philosophi in mundo* to isolate themselves.

As we note in greater detail in Chapter 7, the same pattern plays out in Aquinas’s account of creation (I.95.1; I.100.1). He asks whether the human being is created without grace in the garden of Eden, so that grace can be a second, superadded gift – and he answers no: God created the human being *with* its destiny and *for* its end, so that creation and grace are but two moments of one integral gift. (The discussion in Pesch 1985:516–526, still unsurpassed, finishes off opposing views.) Here too the independent nature of the human being is only a notional or remainder concept. All the actual instances of human being alloy nature with grace.

This article on ungraced knowledge (I-II.109.1), while superficially asserting the intellect’s independence from grace, actually affirms its dependence on the Holy Spirit not only from its origin but in every instance. The shading of this affirmation directs more light on Aquinas’s description of the law of nature as the human being’s “rational participation” in God’s eternal law (I-II.91.2). Our partaking in the divine reason might have gone two ways. God might have given us the gift of reason, and left the world to spin alone. Then we would have had a fairly independent gift, dependent on God only for its origin. That is not, however, the story Aquinas tells. The gift does depend on God for its origin. It also – gift on gift, one integral whole – articulates God’s involving us in our own supernatural end: by grace reason stretches beyond

itself into God. And for that reason God preserves it by constant intervention in moving it to its every act. "Participation" means that God the prudent ruler involves Godself in our reason at every point: beginning, end, form, and act. Aquinas ties God into every knot, leaving no place to disentangle the theology from the philosophy. It is hard to imagine a more religious, less secular theory than that of Aquinas. Aquinas's "participation" means, in good Augustinian fashion, that God remains closer to us human beings (*interior intimo meo*) than even we are to ourselves.

This interpretation of Aquinas is no news to Anglo-American *theologians*, who, dethroning the two-story Thomism that held sway from Cajetan to Vatican II, largely agree that Aquinas is a theologian of grace rather than nature (if those words have to be opposed), or better, that "nature" only abstracts from God's thoroughgoing involvement with human beings, in order to show how nature never stands alone. The Australian scholar Tracey Rowland has helpfully labeled these Baroque versus Balthasarian Thomisms for the two-story, "extrinsicist" versus integralist versions (see Rahner; Balthasar 267–325). But German scholars, both theologians and ethicists, long ago drew further conclusions that go unread among Anglo-American natural lawyers. Otto Pesch sums up the German discussion:

Therewith arises the question, what philosophical profit the doctrine of natural law actually yields. That question is identical with this one, what does natural law really offer? In the most recent [1960s German] Aquinas research, this question has been answered quite surprisingly: The *philosophical* result of Thomas's doctrine runs, that *natural law does not exist*, at any rate not in the sense usually claimed, as a catalog of content-rich, prescriptive and obligatory instructions that bind every human law-giver. The next thing to notice is that law's practical-political point in gets abandoned in the teaching on natural law: No practically applicable ethical direction is elaborated. On the contrary, practical ethical experience from acquaintance with concrete laws is interrogated about the *ground of possibility* for such laws. (1985:294; my emphasis)

Aquinas makes a law of human nature participate in the eternal law of God to articulate a join between speculative reason, which ends

in the vision of God, and practical reason, which directs our acts here below. In Wolfgang Kluxen (236), Aquinas reasons to a law of human nature under God as “the grounding of what shows itself in practical experience . . . brought to meaningfulness only in the continuity between speculative and practical thinking, of which theology alone is capable.” Thus, as Pesch continues,

What one must qualify theologically as a piece of the doctrine of God or creation appears philosophically as transcendental reflection . . .

. . . If one examines what Thomas lays out as content-rich, concrete direction under natural law, one discovers that it always has to do, in each and every case, with commands that are in fact familiar from belief in the revelation of the divine law and have their strength and inescapable binding force for that reason alone. (Pesch 1988:294–295)

An example of the assertion that Aquinas derives the content of the natural law from revelation appears a few questions later, in I-II.100.3–4. In article 3, we learn that “the first and principle precepts of the Law are ‘Thou shalt love the Lord thy God,’ and ‘Thou shalt love thy neighbor,’ as stated in Matthew 22:37, 39” – and further that “Those two principles *are the first general principles of the natural law*”! (I-II.100.3, obj. 1 and *ad* 1, with authoritative commentary in Pesch 1977:619–629; see also Pesch 1985:416–424; 1988:298–300). That means that, for Aquinas, nature and religion so intertwine that *natural law requires the love of God*. On the two-story Thomism of the schools, that makes no sense. But the Angelic Doctor did not have later Thomisms to go by. It only makes sense if, as we have seen, “nature” means “nature reformed by grace” (*Unde exponendum est naturaliter, id est per naturam gratia reformatam*, In Rom. 2:14, §§215–216). The context is Paul’s remark that “the Gentiles do by nature what the law requires” (Rom. 2:14). Aquinas cannot let that stand as nature-apart-from-grace. For Aquinas, it *must* mean that Gentiles can do what the law requires only by grace, and that “nature” ungraced only abstracts from nature indwelt by the Spirit. This is profoundly and explicitly contrary to what the modern natural-law traditions require. The *Summa* continues – from a modern point of view – to confound the categories: the love of

God, as we have seen, is “self-evident to human reason, whether through nature or through faith” (I-II.100.3 *ad* 1).

We are now in a position to see how something can be “self-evident to human reason through faith.” It is a contradiction in terms only if you oppose “nature” and “faith.” But Aquinas does not. For him, faith shows nature its destiny, so that “nature” without further qualification means an alloy of nature and grace (*natura integra*, cf. I-II.109.2). In order to speak of nature-without-grace (see Chapter 8), Aquinas always adds a qualifier: *ex solis naturalibus*, by natural powers *alone* (I.109.3), *sine gratia per sua naturalia*, by one’s natural powers without grace (I.109.4), *per seipsum absque exteriori auxilio gratiae*, by oneself without the external help of grace (I.109.6, 9). Of those long phrases, the shortest, *per natura*, by nature, means by *integral* nature, gifted with grace. The second shortest, *per natura sua*, by one’s nature, abbreviates *sine gratia per sua naturalia*, by one’s nature without grace, or *ex solis naturalibus*, by one’s natural powers alone. On this reading, it is no paradox at all, but required by consistency, for Aquinas to hold that the love of God can be required by nature (with the help of grace) and known by reason (with the help of faith). Thus Aquinas also insists that the very same love of God required by nature is also a product of grace (I-II.109.3). But this entirely and integrally natural love of God belonged to “the state of perfect nature” in the garden of Eden, while “in the state of corrupt nature, the human being falls short of this . . . unless it is cured by God’s grace” (I-II.109.3). That statement repeats the pattern by which, in seeming to affirm the existence of natural law, Aquinas reveals an interest in its failure or redemption. Thus: the law of nature, after the fall, requires revelation to be known and grace to be done. That makes perfect sense, when nature and grace are one integral whole: both law and grace are together one external principle, the help of God (I-II.90, proem.; Pesch 1985:406 n. 27; Kühn 126). Thus for Aquinas there is no functional law of human nature in the absence of grace. So the Second Part of the Second Part of the *Summa*, which gives the *Summa*’s moral content, follows immediately on the tractate on grace, and begins with faith, hope, and love.

If there is no functional law of human nature in the absence of grace, Pesch goes so far as to describe the natural law accounts as a “cover up” (Pesch 1985:411 n. 46, citing Kühn 129–130). But

also if there is no functional law of human nature in the absence of grace, then Aquinas's own account of natural law no longer makes any sense at all for new natural law theory, which depends for its usefulness on being distinguished from God and religion. If Aquinas's own theory of natural law provides neither any content nor any secular access to nature, but only an opening to grace, what shall we say natural law is for? That is the burden of the next chapter.

Note

- 1 The paragraph, by Stanley Hauerwas and Alasdair MacIntyre, faces the title page of each book in the series Revisions by the University of Notre Dame Press.

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How God Moves Creatures: For and Against Natural Law

In this book I offer a series of correctives, not a full-blown theory in all its technical glory. Nevertheless the depth of the correction – that Aquinas is interested in the *failure* of natural law and ascribes its success finally to the Holy Spirit – raises the question what I think natural law might then be *for* (besides the knowledge of sin, I-II.98.6). After a brief thought-experiment (“Aquinas meets Finnis”), I sketch an alternative series of answers to the question what natural law is for. But to anticipate: Cultural training begins to work just when it connects to a person’s “natural” desires. The “law of human nature” just is the tendency to observe human excellence and think “I want to be like that.” That is, the law of human nature is the urge to imitate human goodness. The desires that set off this meta-desire for training and moderation are appetites for food, sex, sociality/friendship, and (crucially) the appetite to understand, or “reason.” These desires put us on the path of imitation and thus (when the imitation results in habits that do us good) virtue.

When I started this project, I thought the main difference between Aquinas and the natural lawyers was on universality, perennality, and the attempt to pursue a traditional natural law without acknowledging that it embedded notions of gender, religion, and

even ethnicity. I was surprised, on further reflection, to find those the symptoms of a deeper difference on “mind” and “emotion” (cf. Lombardo). Historically, that can only happen once emotions get set off from what’s distinctively human about the passions, namely their ability to generate virtues; Dixon (2012, 2006, 2003) traces the modern interest in “emotions” not so much to Descartes (Cottingham) as, far more recently, to Darwin’s *Expression of the Emotions in Man and Animals* (1872). Only by cutting off the mind from the body like a Cartesian, and regarding it with suspicion as a source of evil like a Manichaeon, can you gain the angelic qualities of timelessness and nonparticularity that mark a Gnostic heresy. Aquinas’s Christianity needs the body and appreciates time as an appropriate created good.

Aquinas Meets Finnis

Imagine that by a special revelation Thomas Aquinas is rapt up into the present day for just a moment to read John Finnis’s tour de force, *Aquinas*, especially the chapter on “Basic Goods.” By the question *de raptu* (II-II.175), there is both no problem of language, and no possibility (without language) of remembering the encounter well enough to have left anything detailed about it in writing. Without having a chance to reread anything, check footnotes carefully, or acquire a detailed acquaintance with Finnis’s other work, what would be Aquinas’s first impressions?

The point of this thought-experiment, then, is not to be fair to Finnis, but to paint in chiaroscuro the contrast between a pre-Cartesian Aquinas and a post-Cartesian one. If I elaborate a distinction without proving it, I at least prevent the distortion of the chapter by lengthy Finnis-exegesis and leave open the possibility of reinterpreting Finnis so as to escape the charges. For that reason we may call the fictional Finnis of this encounter “Finnis,” in order to distinguish him from the real one.

- 1 Aquinas muses that “Finnis” treats passions as “emotions” (72–79). What’s an *emotion*? (Imagine the childlike intonation of learning a new word.) It must mean (Aquinas reasons) something that moves out, *ex-motus*. But *emotio* is not a word Aquinas

has ever seen. Perhaps like tears. *Emoveo*, to move out, move away, remove, dig out earth, also a word he never uses. (Aquinas's classical education comes back to him.) Let's see, Livy uses it, *multitudinem e foro emovere*, to dislodge the riffraff from the forum; *aliquos senatu emovere*, to expel them from the Senate. Vergil has *mens emota*, "gone out of your mind." But passions don't move out, acts do (like striking or crying). Passions certainly do not remove anything. Passions are potencies deep inside us. They come out only in acts, which are mediated by reason. Passions are not the same as emotions, or even *affectiones*, which are influences. Passions are the whole motor of movement that we share with other animals. Reason informs the passions (over time through virtue) and passions give energy to reason (otherwise there's no external or animal movement). Humans don't have e-motions, things that they have to *move out* in order to reason; humans have passions that they have to *train* and *use* in order to reason.

- 2 "Finnis" treats passions and reasons as separable and opposable. Must be that outward movement again, the innermost sources of energy "moved out" or separated from us. Funny thing to do, that. He's confusing us with angels, who can't be saved because they can't repent. It's a dangerous business to be a rational creature without a body, because when you fall you fall all at once, a frictionless chute. Whoosh, that's what happened to Lucifer; he fell without remainder and now he has nothing leftover to repent with. If you have a body, on the other hand, you have concupiscence, which is a desire of the body and therefore a partial-partial thing, limited by time and energy – and that's good, because with concupiscence you can not only lust when you should be chaste, but also tire when you want to sin, or get hungry when you want to bash the stupid friars (must fix that place where I call David *stultissimus*, I.3.8; I try never to do that; perhaps the adverb will be less bad). The point is that *embodied* concupiscence retards us in either direction. So concupiscence is given with the body as the ground of repentance and the hope of redemption, and that's why you don't want to be disembodied like an angel, and why (at least Anselm thought so) the Savior had to be a God-human and not a God-angel. So this being for the mind and against concupiscence

endangers salvation and impugns the incarnation. If you lack concupiscence you can't repent. If you lack concupiscence the incarnation can't save you. Even Aristotle knew better; he knew you didn't want to be all-or-nothing like an angel, but that the human excellence was to hew to the mean. What these fellows need is a good angelology! (Cf. Rahner.)

As I was saying, passions and reasons belong together. Even reason is an appetite, one for truth. And "Finnis" finds my account of love as a passion alarming, "a perilous and almost inevitably confusing move" (75). He does seem to have confused himself when he claims that I define love as an "emotion," placing my "whole elaborate discussion of *love*," italicized as if in distaste, "under the heading of a treatment of the emotions." I don't! I call love a passion, not an emotion. Love cannot be opposed to, separated or removed from reason any more than the Spirit, whose name is Love (*amor*, not *caritas*), from the Son, whose name is Logos. Indeed Love conceives Logos. Love is rather a mover by which we are moved to the good. Love directs reason to truth and reason describes the good to love.

- 3 "Finnis" imagines a human being as a thinker (Aquinas glimpses a bronze statue of a seated figure with his chin on his fist) who sits around ratiocinating and then deliberately performs an "act," where deliberation isolates the "act" from the stream of human actions and reasoning by a Moment of Decision (Flannery 164). For all that Aquinas admires contemplation, this thinker is not his model of humanity. His human being acts and his thinker acts too. His contemplative is a Dominican who preaches and teaches and begs. The human being (thinks Aquinas) is an agent all the way down, rational to the toes (I.76.8), always already acting, and forms human acts by reason *in medias res*. There's no separating reasoning from acting except as a process of analysis of a *completed* act, *actus*, a fourth-declension noun from the perfect participle of something already having been done. The whole point of the habit language is to explain how reason is the human instinct in acting, not the human interruption of acting. Watching humans act, we observe that what's distinctively human is that humans in good working order exercise the capacity to act reasonably without always "deciding" things as a separate activity. Indeed, humans don't "have" reason as a

separate “faculty” so much as they *use* reason as an integral power. Funny how reason gets separated out just as the passions do. It sounds dualistic. I wonder (says the heresiologist) whether it’s Gnostic or Manichaeian.

- 4 Now “Finnis” is on about “the good of reasonableness” (79–86, 98–99, and elsewhere), which he wants as a translation for *bonum rationis*. The translation makes it sound like a thing that exists primarily in the soul. But *the good* exists primarily outside the soul, first of all in God and then analogously in the world that God created for human beings to seek God in. The good of *ratio* is the right proportion that describes both the right structure of things and the right adequation of the mind to goods in the world. In Aquinas’s vision, a dictionary definition of proportionalism swims into view, and he thinks, no, “proportion” intends no reference to *proportionalism*, but translates the realist, Aristotelian sense that *ratio* structures things and minds and adequates their relation. Aquinas’s metaphor says how things fit together. *Proportionalism* practices a kind of trading off foreign to Aquinas. Aquinas does not trade off: he makes distinctions. Thus *bonum rationis*, the good of right proportion or *ratio* is a quasi-physical metaphor (in a system where *phusis*, nature, and *psyche*, soul, are not opposed) that connects the right proportion in the mind of God with the right proportion in the things of the world, their intrinsic goodness; and then the goodness of things in the world draws the will that proportionately desires them. *Bonum rationis* is the good of a rational structure in the world, which, because it is a form, exists also in the mind. The first principle of natural law says that God made rational creatures to appreciate the good structures or ratios that God put into the world and pronounced “good” at creation, so to have a share in God’s judgment in Genesis 1:31 that the things in the world are “*valde bona*,” goods in the strong sense (I.47.2c and *ad* 1).
- 5 “Reasons for acting.” Odd, thinks Aquinas, there go ratios out of the world and into the soul again, as if the two were set apart. Aquinas finds himself uninterested in “reasons for acting,” where those are mental entities (what does that mean?) but in *causes* of acts, in what *moves* or attracts the agent. God’s rational structuring of the world makes good look well

structured, attractive, desirable. Ooh, desire, what's "Finnis's" problem with that, Aquinas wonders. He's met prudish types in the Dominican house but God became flesh, for love's sake. So it's the goodness of the thing itself that attracts the reason (if reason is in good working order), and *that's* the *bonum rationis*. That's why a virtue has to be the *mean* between two extremes: it corresponds to the *ratio* in the good that elicits it.

- 6 This "Finnis" seems to be worried about "subjectivism," whatever that may be. But Aquinas thinks it's "Finnis" who depends too much on the deliberating subject. Aquinas muses that it's far more the good *objects* that decide us, if our reason is working properly. That is, we want the right things because they are *good*, not because we sat around thinking about how we ought to choose them. Rather we can only think about how to choose them after we have enough completed *actus* to think with; we need examples of how the wise have acted. If our perception of goodness is reasonable, we might, ideally, experience no *feeling* of obligation at all – we just love the right things in the right ratio. Like Augustine said – love the good and *quod vis fac*, do what you like. Here the ratio or reason is not a sentence in our heads (in the ratiocinating subject) but the qualities of things (in the desirable object). The whole business can be stated without the English word "reasons" (why are they plural in English?), which may be why "Finnis" wrings his hands that Aquinas doesn't use the phrase *bonum rationis* very often: We observe ourselves acting (preferably or *promptior* without conscious thought), attracted to the right objects (a well-structured good or *bonum rationis*) because of their qualities. That proportion between right attraction and right quality is a *ratio*.
- 7 And why (asks Aquinas) does the "first practical principles" section of the "Human Goods" chapter make no mention of God's providence and eternal law *at all*? (Aquinas becomes agitated and experiences a desire to eat something.) It's just *excised*. The whole point is to analogize our prudence to God's and to make the claim in *virtue* language that we are made in God's image. "And that was my great innovation, to see the Image in terms of the prudence God shares with us!" says Aquinas, reproving himself for pride, and corrects it to "the great insight

God providentially granted,” and finally remembers that the two languages are both necessary.

Having made those points in the light of rapture (call them the *praecognitum Finnis*), I return to make them (not in the same order, and again with lightness of argument) with the light of reason. This time I order them from the shortest to the longest exposition. Here then are 10 things that natural law is for.

Ten Things that Natural Law Is For

Natural law is for getting leverage over against the community as a whole

For Aristotle, the good of the *polis* almost exhausts the evaluation of an end. Aristotle agrees that mores change, but only by reference to other mores. For Aristotle, the community is the nursery of virtues, the years-long deposit of virtuous men. For him the community traces a virtuous circle. But he admits there is no way out of it. The Stoics found those roots in society too circumscribed; they sought a wider ground in nature, a way out of a root-bound pot. Aquinas’s first mention of natural law in the *Summa theologiae* comes miles before the questions devoted to it, in a technical-sounding article naming virtues so obscure they have no English names – “Whether eubulia, synesis, and gnome are virtues annexed to prudence.” They are corrective virtues to answer the question, “Are we making a mistake?” Eubulia subjects taking counsel to scrutiny; synesis checks with the common law. But gnome goes a step further and “bases its judgment on the law of nature, in those cases where the common law fails to apply” (I-II.57.6 *ad* 3). In Aristotle, gnome refers to general law, not yet to Aquinas’s providential lawgiver (II-II.51.4^{sc} and *ad* 3). So one purpose of natural law is to set up an Archimedean point from which to lever the whole community. It holds open this high place. Jeffrey Stout has argued for a limited, pragmatic, and not necessarily theistic appeal to a law of nature on precisely this ground: that figures as various as Antigone, Jefferson, and Martin Luther King needed an appeal

beyond the common law. That is the purpose for which Aquinas first mentions natural law. Even with no content of its own (the article suggests none), the law of nature holds a place from which to criticize the whole community's laws.¹

Natural law is for sheltering the virtues from fate

This is the thesis of John Bowlin (1999:121–137). Aquinas hopes that the life of virtue will bring happiness. He expects that contingent circumstances will challenge the virtues so as to train them. But with too much pressure, circumstances could crush the virtuous person and lead to despair. What guarantees the hope for happiness? This is again a Stoic worry. For this, Aquinas appeals to the goodness of Providence. God too has prudence, the prudence to protect human creatures from moral harm. The shelter of natural law is not a threat or an obligation – do this or fate will make your life a shambles. It describes what *God* does for us: God gives us drives (*inclinationes*) that “induce” or “harness” one to act (*ligare*, I-II.90.1, referring to Aristotle’s *Physics*) toward self-preservation, procreation, society, and God. These drives have a *ratio*, a rationale or intrinsic rationality. We cannot ignore it for two reasons. First, because God providentially creates a *ratio* in both things and minds to fit humans to their world; it’s “extrinsic” in the sense that it concerns the quasi-environmental fit between humans and the world, the habitat of local motion we find ourselves in. Second, because God fits us to share that *ratio* to engage our intrinsic power of motion, the virtues. The law of our nature belongs where our fit with the world engages our power. The law is extrinsic (the total habitat) and therefore it engages the intrinsic (the virtues). We exercise our share in God’s providence when we learn to observe the fit. God created that the whole world good, in that our drives and the world’s goods should work together to protect our fragile virtue from the worst contingencies. This protective quality renders the *ratio* between humans and the world not *only* natural, but also, in the words of the Council of Arles, a “first grace” (Denzinger, *Enchiridion symbolorum*, §336, cited in Hittinger, xi–xii). Aristotle thought the human being and the world suited each other, but hardly regarded the fit as gracious or anything to give thanks for. Aquinas recasts

the regularities of human nature as *providential*, due to God's gracious care. God's providence looms larger to the reader who takes the *Summa* in the order presented, since the questions about the law of God's providence follow immediately on those about the law in Paul's members, or *sin*. It is in the context of virtue's frailty and failure that Aquinas recalls to the reader the kindness of God's forethought. The topic that follows or sublates law confirms that impression; it is sin's solution, grace. Structurally, therefore, law articulates the transition from sin to grace. It names God's forethought about the meantime, the effectiveness in advance of the grace that saves.

Natural law refers to the minimal practices of a craft

The craft is that of being human. This respects Aquinas's examples. Practical reason is always about how to *do* something. Aquinas's commonest examples are military and architectural. We hear often of the general, the builder, the archer. Natural law is also the craft of how to do something – how to be human. To be human, we need to preserve ourselves, procreate, and enjoy friendship with God and each other. Not everyone need do all those things – Aquinas, along with Jesus and Paul, need not procreate – but to produce other humans is one of the things that separates us from other species that produce puppies or piglets. “Natural law,” even without content, names the widest craft in which humans engage, reasoning, which distinguishes our guild. It says that a well-trained human is wise, provident like God. What makes us most human, Aquinas says, is our human *acts*, not our possessing reason as an ornament, but our acting reasonably (I.93.7). For Aquinas, there is no such thing as “having” reason as something that could be taken up or laid aside; reason is not a faculty or tool to be possessed, but a skill or “power” that we watch ourselves use. For a human not to use reason in acting would be like a plant refusing to grow. It doesn't make sense.

Aquinas values “Aristotle's non-deliberative understanding of crafts” (Flannery 183). The deep, embodied learning of a craft – its habituation – makes reason work *suaviter*, sweetly, delightfully (53 times in the *Summa*, usually citing Wisd. 8:1), like the sweet sound

of a violin or a shoe's sweet fit. Training in virtue causes reason to work *promptior*, more quickly or readily (e.g., I-II.50.5 *ad* 3). But *promptus* (from *promo*) also means more visible, more apparent, more manifest, better disposed. Habits do not cover up but, strictly speaking, *promote* reason. So for Aquinas, unlike moderns, reason is *more* manifest in the nondeliberate act of habit than it is in the abstract ratiocination of Rodin's thinker. The courageous peacekeeper who stands appropriately between would-be combatants manifests courage more clearly (*promptior*) than a thinker who invents a better theory of courage but remains unpracticed in it. As a wise person shows reason in her completed acts, reason becomes more delightful and more manifest, sweeter and easier: in a word, more *natural*.

In natural law, God establishes the craft of being human, which is to say the skill of wisdom by which the human being imitates God. That's one reason why God took on a body: to show us how it's done. "Our Savior the Lord Jesus Christ," says the opening of the *Tertia pars*, "showed [*demonstravit*] to us in his own Person the way [*via*] of truth." This is fitting because "among other things expressed by this Word, the eternal law itself is expressed thereby" (I.93.1 *ad* 2). Aristotelian demonstration takes place not primarily in syllogisms, but first of all in things; and in practical sciences, *those things are persons*. The completion of our nature in Christ is – in Aquinas's transubstantiating hands – perfectly Aristotelian, *Logos* embodied, its habits made human. Enacted reason orders humans to the image of God (I-II.91.2); but because "that which is in potentiality is reduced to act by that which is in act . . . human beings are reduced to that end by the humanity of Christ" (III.9.2 in Preller 1967:253). And yet this Aristotelian demonstration retains its poetry, because you will hear, if you read the Latin aloud, two feet of iambic tetrameter, in stress- rather than length-meter, as an Italian would pronounce it: *viam veritatis nobis / in seipso demonstravit*.

Natural law is for uniting love and gravity

God's providence, God's image, and the law of our nature all display a *movement* [*motus*], a term that along with "being," "good-

ness,” and “truth” offers one of the widest analogical concepts that animates Aquinas. “Movement” is another category that unites what moderns divide: physics and passions. By Aquinas’s lights, we moderns are the ones who make a category mistake when we divide the two. For him it was already, as it would remain for Dante, *l’amor che move il sole e l’altre stelle*, love that moves the sun and the other stars (*Paradiso*, last line). And so it comes not amiss if love moves us by attraction, or a kind of gravity. Note the starkly physical categories in the description of love as a passion. Aquinas finds this highly appropriate, because “it is more fitting that divine truths should be expounded under the figure of *lower bodies* [*vilius corporum*] than of nobler bodies,” because physical images better preserve us from error and presumption (I.1.9 *ad* 3; I thank Joseph Naron). Thus Aquinas finds it strictly appropriate to compare love to gravity:

On the contrary, The Philosopher says (*Ethics* viii.5) that love is a passion.

I answer that, Passion is the effect of the agent on the patient. Now a natural agent produces a threefold effect on a patient: for in the first place it gives it the form; and secondly it gives it the movement [*motum*] that results from the form. Thus the generator gives the generated body both weight [*corpori gravitatem*] and the movement resulting from the weight [*motum consequentem*]: so that weight [*gravitas*], from being the principle of movement to the place, which is connatural with that body by reason of its weight, can, in a certain way, be called *natural love* [*amor naturalis*]. So too the appetible object gives the appetite, first, a certain aptitude [*coaptationem*] for itself, which consists in pleasure at the appetible object [*complacentia*]; and from this follows a movement toward the appetible object [*et qua sequitur motus ad appetibile*]. For “the appetitive movement is circular,” as stated in *De anima* iii.10; because the appetible object moves the appetite, introducing itself, as it were, into its intention; while the appetite moves toward the realization of the appetible object, so that the movement ends where it began. Accordingly, the first change wrought in the appetite by the appetible object is called *love*, and is nothing else than pleasure at [*complacentia in*] that object; and from this pleasure results a movement toward the same object, and this movement is *desire*; and lastly, there is rest which is *joy*. (I-II.26.2; I thank Joseph Naron)

The circle Aquinas describes begins and ends in the *object*. It is the circle of an orbit, for in the Middle Ages, as for most of us, an orbit is a motion in which both the central object attracts and the attracted thing moves. We are accustomed to think of movement as only efficient causation, as *pushing*. But Aquinas, like medieval physics, knows plenty of *unmoved* movers, starting with God: these are agents, like those “lower bodies,” that work by attraction, or by gravity, or by *pulling*.

Aquinas conceives the whole problem of divine providence and human freedom as one of the *moved mover*, which is also to say, in terms of love. Moved movers are just creatures, whom God loves, and desires to draw (as in a circle) back to God. Human beings are those special movers whose movement resembles God’s. “Natural law,” the concept, exists to articulate – to show the joints in – how divine providence “moves” (I.21) human providence: by giving us a share in it so that God’s pull and our push may best *coincide*, so that our acts and God’s may both describe the same trajectory. This higher astronomy occupies the position in Aquinas’s system that a theory of gravity occupies in physics. It does not descend to particular bodies.

All creatures, as such, are God-moved. God both moves them into existence, and without violence, but to perfect them, supplies them with movements of their own. So rocks move both by their nature, which is to fall, and by attraction, toward their greatest good and deepest desire, which is the center of the earth. Plants move by their vegetal nature, which is by growing, and by attraction, to their greatest good and deepest desire, which is the sun. Animals move by their animal nature, which is instinct, and by attraction, to their greatest good and deepest desire, which is Alpo. Humans likewise move by their rational nature, which is freedom, and by attraction, to their greatest good and deepest desire, which is God. For humans to move by reason, which is their freedom, and to be moved by God, who is their good, are not contrary or violent movements, but two levels of the same thing. (For the relevance of this picture to natural science, see Chapter 11.)

A critic might say, that’s all very well for plants and planets, but how can Aquinas claim two levels of the same thing when the topic is *freedom*? From the beginning, Aquinas’s task is easier than ours, because he does not conceive of freedom as limitless spontaneity

or even primarily as having more alternatives. Freedom is not bivalent, but moves in one direction; it is a means of pursuing the good. God, who chooses only the good, is freer than human beings, whose freedom comes under the influence of what is not good for them, and gets compromised. All creatures pursue the good; when animals pursue the good with their passions, their pursuit of the good is called instinct; when humans pursue the good with their reason, their pursuit of the good is called freedom.

Aquinas moves easily between two descriptions of this – one from physics and one from psychology – which for him are finally both about love. Both have to do with being in God's image. Being in God's image, from a modern point of view, seems at once to exacerbate and to alleviate the problem. It exacerbates the problem because the image of God consists in human freedom. It alleviates the problem because the "image of God" language brings the two levels into closer quarters: it insists that God and human beings somehow belong together. The difference from and intimacy with God have a common root. God's level differs from ours in that God can act more intimately within us than we can act on ourselves (Tanner 12; Schoot 144–145). We see this in both the image and the law. In both cases the levels do not stack one atop the other in the two-story system of the schools. Rather, God reaches down most intimately and tenderly (*suaviter*) to elevate the human being from within. For grace is also built in from the outset. God makes reason self-surpassing, not by its own power, but by the power of the end that inflames it (by the Holy Spirit) to leap beyond itself. Nature does not build up, but God condescends; the tower of Babel is not the image, but Pentecost.

Description 1, from physics, is that of the moved mover, or the moving image. In the very first question of the First Part of the *Summa* Aquinas defines the human beings as those "who are to direct their thoughts and actions to the end." Correspondingly, in the prologue to Part Two of the *Summa*, Aquinas says, "now that we have treated of the exemplar, that is, God . . . it remains for us to treat of his image, that is, the human being, inasmuch as human beings too are the principles of their actions, as having free-will and control of their actions." (It does not say that human beings "must" or "should" have free will and control of their actions; it says that those features distinguish human beings from other

creatures.) The relation is: God moves us, and we move ourselves, and we move ourselves in something of the way that God moves us. Just like that, the relation is highly formal. The natural law repeats that same formality, but refers it to the chief of the virtues: God moves us with prudence. We move ourselves with prudence. Because Aquinas specifies “with prudence,” the third statement (we move ourselves as God does) becomes unnecessary. The comparison – the image – is in the prudence.

Description 2, from moral psychology, describes God’s prudence. God’s prudence “governs things inferior by superior, not on account of any defect in his power, but reason of the abundance of his goodness; so that the dignity of causality is imparted even to creatures” (I.22.3). Then, with a spare and austere beauty, Aquinas dispatches in three sentences the question of whether or how God’s prudence imposes necessity on things:

For to providence it belongs to order things toward an end. [“To order things toward an end” defines both the image of God and the rationale of natural law.] . . . The effect of divine providence is not only that things should happen somehow; but that they should happen either by necessity or by contingency. Therefore whatsoever divine providence ordains to happen infallibly and of necessity happens infallibly and of necessity; and that happens of contingency, which the plan of divine providence conceives to happen from contingency. (I.22.4c and *ad* 3)

Thus, God’s prudence ordains that all things happen *with their mode*: necessary things happen necessarily; contingent things happen contingently; and free things, as a corollary, happen freely. Natural law makes another formal remark about how free things happen freely. How does that work?

It happens this way. God, the most transcendent cause, so far transcends created things that God is not restricted to working on them extrinsically, but he can move them from the inside.

It is written (Phil. 2:13): “It is God who works in us both to will and to accomplish.” *I answer that*, The movement of the will is from within, *as also is the movement of nature*. Now although it is possible for something to move a natural thing, without being the cause of

the thing moved, yet that alone which in some way is the cause of a thing's nature can cause a *natural* movement *in* that thing. For a stone is moved upwards by a man, who is not the cause of the stone's nature, but this movement is not natural to the stone; but the natural movement of the stone is caused by no other than the cause of its nature . . . Now the cause of the will can be none other than God . . . which is evident from the fact that the will is ordained to the universal good. Wherefore nothing else can be the cause of the will except God himself, who is the universal good . . . God moves a human being's will, as the Universal Mover, to the universal object of the will, which is good. (I-II.9.6sc, c, and ad 3)

But this just is the law of human nature, as it becomes effective in the presence of interior grace. This is the law, like a physical law, by which God moves humans, so that they move themselves, without conflict, but sweetly, as God orders all things by Wisdom. Thus God can be the weight in the rock, and the love in the lover.

God is in all things by his essence, power, and presence, according to his one common mode, as the cause existing in the effects which participate in his goodness. Above and beyond this common mode, however, there is one special mode belonging to the rational creature wherein God [the Son] is said to be present as the object known is in the knower, and the beloved [the Spirit] in the lover. And since the rational creature by its operation of knowledge and love attains to God himself, according to this special mode God is said not only to exist in the rational creature, but to dwell therein as in his own temple. (I.43.3)

The law of human nature is the presence of God's prudence in the prudent. It causes the image of God to apply to the virtues: Humans take care for themselves, because that is among the ways God takes care for them. Because God provides for them, they may provide for themselves. It is thus that other virtues, human virtues, derive from God's prudence, not by a kind of deductive syllogism, but by a kind of divine indwelling, a movement from deep inside that God can make because God alone remains closer to us than we come to ourselves.

Here again natural law is not about the relation of the human being to the content of obligation. In particular, natural law is not

about the human being in lonely contemplation, in isolation, as the natural lawyers, in their haste to banish God from the system, seem to assume. Natural law is about the *relation* of the human being and God. If the natural lawyers take God out, then they can of course no longer see the relation, so that they have to find something else for natural law to do. That's why their position looks Pelagian, with the occasional anti-Pelagian codicil (in Robert Jenson's phrase) that "of course salvation is by grace."

***Natural law is for talking about movement before it is
for talking about sentences***

That's because natural law is for describing the law of human nature in terms of how God inclines humans to move themselves. Precisely because natural law is for describing the relationship of two ratios, divine and human, it works not only like legislation, but also and more primitively like a gear. In describing the essence of law, Aquinas does not hesitate, as we have learned to expect, to give a physical analogy. Eternal law is like "the first mover in the genus of movements," *primus motus in genere motuum* (I-II.90.1). Aquinas also insists that the first precept of the natural law makes it resemble a natural science (I-II.94.2 in Flannery 3–24). We should therefore take seriously Aquinas's comparisons of ends to gravity and precepts to *inclinationes*.

For Aquinas a principle is not first of all a sentence or statement in words. I usually say that a principle is a real quality of things that inheres also and indifferently in things and minds (Rogers 17–30; Irwin 7; MacIntyre 4). It does so primarily under the aspects of form and finality. But what interests Aquinas about causes is more dynamic than that. He always wants to know how things *move*, where "move" is one of the real analogies that captures most widely how reality works, from God to creature and from physics to love. What first principles do is *move* things. The "first and most manifest" of the Five Ways is "the argument from motion" (I.2.3). This is not the same as efficient or even final causes, which receive their own Ways, but in some sense includes them. First principles are first movers not only of birds when they fly but also of aerodynamics in our heads when we understand

flight. They are the first movers of mental processes that generate sciences. Aquinas compares “precepts” to “principles” as the first movers of moral reasoning. (More on “precept” later in the chapter.) Here I focus on how God uses precepts to *move* human beings, and how human beings correspondingly use precepts to move themselves, in the Greek sense of “physically,” that is, by *phusis* or nature.

Fergus Kerr notes that “Though Thomas sometimes speaks of ‘precepts’ it is more usual for him to refer to ‘inclinations’” (108), a word which sometimes appears in translations as “tendencies,” as in a “tendency toward the good,” or even “instinct,” as when Aquinas insists that we have a “natural instinct for virtue [*inclinatio naturalis ad virtutem*]” (I-II.93.6). But it is the original Latin word *inclinatio* that best fits Aquinas’s programmatic statement that “everything participates *aliqua*liter [by some quality] in the natural law, namely by its impact on them giving them tendencies [*inclinationes*] to their own proper acts and ends” (I-II.91.2 in Kerr 106). “Impact” makes an interesting translation of *impressione*, because it retains the generality of that word when applied to “everything,” the *tota communitas universi*, “the whole community of the universe,” and frees it from the printed word that we now picture under the word “impression.” For the Latin meaning of *impressione* has nothing to do with movable type, which Aquinas did not have, or even with ink, which has nothing to do with the metaphor. The Latin meaning, which Aquinas reinforces whenever he quotes Psalm 4:6 (e.g., I-II.91.2), is to press a seal into wax. Contrary to modern interpreters, this is a nonverbal metaphor. In it, God does not print or write on things. God pushes on the wax to shape or *form* it. In the specific case of human creatures, the metaphor of writing first comes with grace, which alone engraves the law on the heart. In the human case, as the Psalm implies, God presses our wax with God’s own image. So the impression of eternal law on our reason is a metaphor not about sentences but about formation.

Amid inclinations, impacts, and other principles of movement we can discern the physics of Aquinas’s perfectly general theory of how Providence runs everything in the world by eternal law, in which the law of human nature participates. When Aquinas asks how law pertains to reason, he specifies that only for God, as the one who measures and rules (*regulantis*, I.90.3 *ad* 1) is “law in

the reason alone”; for all those creatures, like ourselves, who participate (even in an excellent way), the law is in them by *inclination*. Aquinas’s example for participation is “the inclination of the members” (I-II.90.1 *ad* 1). So our participation by reason in the law of our nature remains a taking *part*, retains that derived quality of something moved, inclined, impacted, granted a share. The natural lawyers, mistaking “reason alone” for “*human* reason alone,” confuse us with God.

First principles are movers also in the real world, the principles by which things *work*, operate, or perform their *opus*. If principles are first movers, then it makes sense that precepts are also “inclinations,” a sort of internalized disposition, incline, or slope toward movement. And if habits are more or less settled dispositions to act, then they too are dispositions to *move*. The soul finds itself so disposed or situated, as if on a physical (natural) incline (precept) or track (habit) to move in a certain way. The slope has a gentler or steeper grade to it, its *ratio*, which guides the moved mover by engaging its internalized ratio or gear. When the precept urges, “don’t do that” (uphill grade) or “do it that way” (downhill grade), this is not necessarily or not yet verbal content so much as an embodied urge – attraction, aversion, or weight. In addition to the slope, the lay of the land, or the “grain of the universe” (Hauerwas), the principle exerts its own pull directly, answered by the weight of the moved mover. This is the perfectly general “physics” or natural motion by which Providence builds things into human beings and the whole universe to guide things back to their source.

So we can think of the operative force of *principles* as indeed being that of *inclinations* – indeed, inclinations inbuilt by the creator, so helping us to return to their source. If that be the case, why cannot *precepts* be what offer direction [slope] to the inclinations, guiding them to their true home? That way it all becomes so unforced, so *natural* if you will – as are inclinations. (David Burrell, private correspondence, June 20, 2012)

Since principles exist indifferently in minds and things, we may transpose a remark comparing the practical and speculative intellect (I-II.90.1 *ad* 2) into the objective mode to see how they compare in the world: and we find something that holds the same position

in the operations of a human being that gravity holds in the operations of physical things – a real inclination.

Simon Oliver (25) has developed the same idea:

[O]ne might even draw a clear analogy between spatial or local motion and the ethical motions of the human soul. Place constitutes, as it were, the limit and an aspect of the “natural law” of the local motion of bodies. For example, it is in accord with the natural law of heavy bodies that they move to rest in a low place. The low place is part of the reason for the motion – it helps to answer the question “why?” With regard to human beings, action in accordance with reason is the limit and a characteristic of the “natural law” of the motion of the human soul. For example, it is in accord with the natural law of human beings that they move to rest in rational operation. This mode of operation is the *telos* and therefore the reason for the motion of the soul from irrationality or ignorance to rationality or knowledge. So one might say that the physical motion of bodies and the ethical motion of human souls, which are subject to the different sciences of physics and practical [theology] are nevertheless held in analogical relation by their participation in eternal law which constitutes the motionless limit and end of all motion, namely the universal good.

The general, underlying “physics” or “natural science” of motion in the soul helps explain why Aquinas specifies that propositions might be held in reason habitually (*habitualiter in ratione tenentur*) rather than actively considered (*actualiter considerantur*, I-II.90.1 *ad* 2). That specification ties humans to the practices of those amateur observers we still call “naturalists” who recognize trees by their characteristic structure or *ratio* expressed, as we say, in their “upright habit,” or birds by their characteristic posture or flight pattern expressed, as we say, in the distinctive “habit” of a hummingbird. In these creatures too their identifiable structure and order in their place is held in their habit, without ever being “actually considered” by them. That is one reason why *ratio* held habitually marks the more general or primitive way in which God providentially shares movement with creatures. The human being is not limited to habit, but the human being is no exception to habit: rather, habit is where the human being normally keeps propositions. If we restrict human

reason and its propositions to “active consideration,” we only force Aquinas into inconsistency.

In making reason less sentence-bound, I am not trying to make it less central, but to reconnect it to the whole body, whose form it is. The whole body is the matter on which reason works, not just the tongue or the brain. I am trying to make reason more human, not less – to distinguish humans from angels, who are rational beings without bodies and therefore lack sex, ethnicity, or a history subject to partial determinations. The paradigm case of reason is not that it “stops to think,” but that it moves *suaviter* and *promptior* through the whole body.

“Naturally,” these movements of the soul do issue in sentences – but not with the necessity of obligation. Rather sentences come with the necessity by which a shadow follows a body, a tree fruits, or the human soul observes itself. They come with a natural necessity. This natural necessity is what Aquinas has in mind when he writes (I-II.90.1) that the law *obligat* because it binds (*ligare*) – an objective and physical tie, not a feeling. The great disappointment of the natural-law tradition is that it substitutes obligation for what comes naturally. The law of human nature answers *how* human beings operate, their agency, not *what* they choose, their duty (about which more later).

A “precept” (prae + captus) of natural law is for “capturing in advance” first of all the works of virtue in action

Victor Preller developed a compatible interpretation of how the human being works, one that also depends on the non-Cartesian primacy of acts in Aquinas, motions that reveal their rational character not because we have actively considered them in a separate moment beforehand, but because human rationality forms part of their “why” in an analysis afterward. The meaning of these parts and movements of the soul comes in their use, according to Aquinas’s account of “how the soul knows itself” (I.87): not by Cartesian introspection (not “by its own essence,” 87.1), but by observation “of its own act” (87.3). An *actus* (perfect participle) is an agent’s perfection. This is the Thomistic version of Wittgenstein’s idea that meaning is in use: understanding arises from the completed act. In

the tradition of Aristotle and some of Aquinas, I transcribe and fill in notes of an oral lecture (Preller 1984). According to Preller,

Speculative and practical reason are parallel. The first gets logical principles and truth by the meaning of the terms. These things need only be used, not stated. Statements are abstracted from use. The conclusions of speculative sciences get concrete statements by *observation* of what happens generally or for the most part – not deduced. “If ϕ then ψ ” depends on empirical observation of the world (Aquinas’s [Commentary on the] *Posterior Analytics*). The agent intellect explains by assuming a necessity. Thus it becomes a principle. *The practical reason likewise works by the acceptance of virtuous men.*

They, the wise or prudent, constitute the empirical examples of goodness that the practical intellect explains by assuming the existence of a moral excellence, or virtue, to explain the evident goodness of the wise, courageous, or just. Human beings show a characteristic disposition, beyond that of irrational animals, to *recognize* goodness in the world – in good objects and virtuous people. In the vocabulary of law, they exhibit a regular tendency to *use* the internalized light of natural law to illuminate lives of virtue in the world, to talk to and imitate the wise. That tendency to apply the practical intellect to the acts of the wise – the tendency to recognize virtue – is an aptitude for grasping goodness. It is a fore-grasp of goodness, in German a *Vorgriff aufs Gute*. It is an anticipation or pre-existing readiness to capture virtue, in Latin a *prae-captus*, or *precept*. To have the precept of goodness is to be naturally disposed to use one’s practical intellect to refer to one’s experience of virtuous people. The precept “goodness” is not an element *in* a conceptual system so much as a dispositional tendency to *use* a conceptual power, to compose or bring together the practical intellect with one’s experience of moral excellence in actual people.²

To tend in that way is not yet to make sentences or generate verbal content. Rather the tendency brings the whole moral system to bear on the extramental reality that the soul observes in the wise and to which it finds itself attracted, especially with the love of friendship, since “friends make each other better.” This fore-grasp, readiness to “take” to virtue, or “precept,” is hardly a feature *in* our

moral experience, but the God-given presupposition of our moral experience. Preller continues:

Therefore in practical reason as in speculative reason we use but do not deduce from first principles.³ One first principle is “Good is to be done, evil avoided.” Even the most vicious people use (or misuse) it. Another is that one should act in accordance with right reason. *Subordinate* first principles [also] come from observation [of virtuous human beings]. [There is] at least one for each virtue [to] form different moral sciences, just as specific generalizations [from observation] give rise to different [speculative] sciences. Practical reason gets specified [divided into species or sciences] by actual[, observed,] habitual dispositions. In both cases agreement dissipates as cases get specific and depart from the *most* general. These points don’t so much add to virtue theory as formulate it. (Preller 1984)⁴

And that is the reason why, throughout II-II, each virtue begins with the *practice* of some virtue, and its opposing vices, all the way through the question, before coming to a short statement of its precept at the *end*. It bears repeating: Aquinas consistently places his precepts *after* his examples. Precepts come first in the sense that we see them in the wise. In statements they come *last*. The pre-apprehension or fore-grasp of virtue is more manifest, *promptior*, in its virtue’s act. Only in abstraction from enacted virtue is the precept statable in words. The pre-apprehension *uses* the precept; the summary states the precept after the fact. Thus the precepts do not serve to *determine* the rightness or wrongness of the virtue – the virtue itself has already manifested goodness. The questions on precepts serve not at all to deduce precepts from other precepts. They are notably short. Justice, for example, runs from question 57 to question 122 of II-II, some 65 questions with 284 articles. Of those nearly 300 articles, the precepts of justice, which come last of all, number only six.

Natural law, then, is for identifying the human being in the image of God as a moral animal, one with the light to recognize the virtues (summarized by prudence) that it is to pursue. Other animals, such as swallows (in Bowlin’s (1998) example), without that light, cannot recognize human excellence, although they have the means to practice their own. “Natural law” explains as God-

given the evident human inclination to learn goodness by friendship with wise people, the fore-grasp that says (even without words) of the brave or the just, “I want to be good *like that!*” It is a law of human nature that we follow, when we follow people like that. As used, a precept pre-apprehends. As stated, a precept captures or summarizes the perfections (*actūs*) of the wise.

In subsequent reflection, a “precept” of natural law is for confirming that scripture has pre-captured the insights of Aristotle

A precept of natural law is secondarily for capturing the foreknowledge of our end that God prudently provides in scripture, and for checking (“analysis”) that the more specific foreknowledge of goodness or commands in revealed scripture can be read to cover the virtues of Aristotle. Returning to the example of justice, we see that its precepts follow the Decalogue. Murder (II-II.64) does not even get its own precept, which is included under “Whether the last six commands of the Decalogue are fittingly expressed” (II-II.122.6). The questions include homicide, which, unlike in the new natural law theory, receives no precept of its own, showing that the material in the so-called treatise on law does not direct the handling of specific acts, while the virtues do. Rather precepts integrate biblical material – promises and commands – into an Aristotelian framework. Sometimes the *sed contra* is perfunctory, “on the contrary there is the authority of Holy Scripture” (e.g., 122.2, 3, 4, 5, 6), without even the citation of a verse. This is not at all the sort of precept that new natural lawyers lead one to expect.

The pattern rather is that revelation has pre-captured or anticipated what we *observe* in the acts of the wise. Aquinas treats even the “natural” virtues this way, giving the lie to the two-story system by which nature prepares for grace: rather grace prepares nature. We see this in I-II.100.1 and 3, where the law of nature (article 1) reduces to the Ten Commandments (article 3), because they can be *aliqua litera a naturali ratione derivatur*, “in some way derived from the structure of our nature” – but note what this does *not* mean. The qualification *aliqua litera*, roundly ignored, warns us not to take *derivatur* in a logical sense, a word that in Latin is in any case not the same as *deducitur* (see Preller 1967 and Flannery).

Rather, *aliqua* reminds us that *derivatur* is, once again, a natural metaphor, a metaphor of flowing downhill. It's a river metaphor. "Derive" describes the bounded, flowing, inclined behavior of the mind as it searches for its place of rest. The Ten Commandments belong to human nature, not because they allow us to deduce "basic goods," but because they lead or draw off a stream (as of water) from its source. They keep human nature within banks or display its flow. They do not deduce anything.

Aquinas uses several terms for *pre*-knowledge of related sorts. Precepts are dispositional pre-knowledge or readiness to act that parallel the principles of a science, the preambles to faith, and the pre-recognition of the last end (*praecognitum finis*, I.1.1). When Aquinas comes to question 90 of the *Prima secunda*, 1,000 pages into the *Summa* and, depending on whether you count the Supplement, 1,000 pages from the end, he has just finished "sin" and will shortly move on to the Old Testament, the New Testament, and grace; when he arrives at the questions on law, he does not suddenly forget where he is and what he is doing and relapse into pure philosophy. He has not suddenly departed from the genre of *sacra doctrina* and the object of the *Secunda pars* to explain the divine Exemplar in the human image. Rather he sets the stage for grace in the context of sin. He asks therefore if God is really involved in our virtue, and answers that God is the prudence in our prudence. This is a consequence of the temporal mission of the divine Son, the term of which is that Christ the Logos becomes the "known in the knower" (I.43.3). Natural law is about our relationship with God, not our isolation from God, and that's why revelation pre-captures, or supplies the precepts, for (let's see) faith, charity, prudence, justice, fortitude, and temperance, where each time the question of the precept is whether scripture supplies us with such a pre-apprehension. With hope the question is not whether scripture supplies a pre-apprehension but whether hope, itself oriented toward the future, could nonredundantly have a pre-apprehension at all, a hope for hope. This nicety goes to show how Aquinas thinks of a precept not as a sentence, but as taste of something hoped for.

The *praecognitum finis* and the *praeambula fidei* do not distinguish but integrate two realms, or rather sublimate one under the other. By them the supernatural end subsumes the (hypothetical) natural end,

grace reforms or re-forms nature, revelation swallows metaphysics, and *revelabilia* (what God might reveal) subsumes *intelligibilia* (what metaphysics might understand). “Nature compares to charity . . . as matter to form” (II-II.2.9). All these things become subsets of the one larger discipline at which sacred doctrine wonders. In II-II the precepts come *last* in each article, where they function to *integrate* nature under grace, baptize Aristotle with scripture, and summarize the way the human being images God in prudence.

Precepts “natural” and revealed are not, in the *Summa*, two domains (as perhaps they are in the self-consuming project of the *Summa contra Gentiles*), but belong to the one rationale of sacred doctrine. God’s love is the form, and nature becomes its material. Those who see nature as already its own form misunderstand what it means to be made to the end which is God, to be made prudent as God exemplifies prudence, which is to be made deiform.

Human agency always displays the pattern of ordering acts to an end to enact the image of the God who orders acts to an end. If ever human agency seems to stand alone, the image-to-end pattern is what goes without saying. Natural law too displays the image because it belongs to the graced human being to manifest the relationship between the prudent God and the prudent creature. Love of God and neighbor sum up the natural law even after sin “destroyed” it, because the imaging relationship is a gift *to* nature before it is a gift *of* nature. It is a gift to nature because it begins deification.

In the very first question of the *Summa*, Aquinas seeks to set up sacred doctrine as an Aristotelian science. He asks whether it is one science. The objection, as we have seen, is that it contains material accessible and inaccessible, open and revealed. Unlike in the *Summa contra Gentiles*, Aquinas answers in a new way. The presence of apparently disparate material does not compromise the unity of a science, as long as the science treats the material under a single formal rationale or source of intelligible light. Metaphysics, for example, can consider disparate things as they have being and intelligibility (*entia/intelligibilia*) in common. Sacred doctrine seems to cover a wider field, since it includes God, and to have a bigger problem, since God has neither being nor intelligibility “in common” with creatures. So Aquinas invents a wider field than metaphysics. Sacred doctrine considers all things *as related to God*.

The objective aspect of sacred doctrine is that all created things, as well as God, count as God-related. The subjective aspect of sacred doctrine is that all created things, as well as God, can be revealed in God's light. Whether they are known with God or without God, they are treated in sacred doctrine as known with God. Aquinas's word for this is *revelabilia*, "revealables" (I.1.3). The Benziger translation misleads here, using "revealed" just where the Latin has "revealable," *omnia quaecumque sunt revelabilia*, "all things whatsoever are revealables." *Revelabilia* universalizes the category of *revelata*, "revealed things," so that the two domains accessible and inaccessible become one singular domain, the *made accessible*. Sacred doctrine retains its scientific integrity, its adherence to its proper first principle, its scientific character or (in Corbin's word) its *scientificté*, by treating all things as revealables, in God's light, even if we "already" know them. Thus to treat natural law as divorced from God ruptures the integrity of divine science. In fact Aquinas never treats natural law that way, but as a God-relation all the way down, our prudence in the light of God's prudence. The *Summa's* very first question explains how the pre-recognition of the end (*praecognitum finis*, I.1.1) does not set up two domains, one revealed and one not, but guarantees sacred doctrine's *unity*: it sets up one, new, integral domain that subsumes the purely natural (a hypothetical, remainder concept) into the one domain of the human being whose end is God. The supernatural end does not build on nature, but suspends nature in a wider net. "Everything whatsoever," *omnia quaecumque*, belongs to the singular, integral domain of sacred doctrine that treats all things as *revelabilia*, things God might reveal, so that "natural" and "supernatural" stand as one on the same terms: things that manifest their God-relatedness. Sacred doctrine sees the world transfigured, so that the known in the knower is the Son, and the lover in the beloved is the Spirit, and the archetype for the law of human nature is the Logos who would take it on. That is also why natural law leads seamlessly and without embarrassment into the instruction of the Old and New Law. What God instructs us in natural law is that the image in prudence founds the virtues, in which God's own ratio is held *habitualiter*. Does this fail to distinguish nature and grace? Yes! From the vantage of their divine integration, just as every precept does from faith to temperance.

A debitum is first for displaying the due proportions of nature's laws and only second for bringing them to speech in practices of diagnosis and disagreement

Something *debitum* or due in the law of nature belongs in this “physical” or natural account for showing the *ratio* or proportion of something in nature. Or it comes to speech when the practices of teaching, argument, or diagnosis hit a difficulty. Things seek their due ends with due motions. As part of the description of how both nature and the nature of human beings operate, what is *debitum* does not arrive automatically in the deontological land of ought, certainly not in the land of Kant. Because Aquinas also uses *debitum* as a metaphor of *accounting*, after the fact, when teaching, disagreement, or failure require us to reflect in language on an agent’s finished act, it sometimes acquires the meaning of “debt” or even “duty.” In that it resembles the word “meaning,” which also works best when it does not float free from its use in concrete practices of teaching, argument, or diagnosis. We are not true to Aquinas if we allow *debitum* to float free of display and diagnosis and mean the great Kantian duty in the sky. It belongs in the context of describing how God imparts rational (“due”) movements to nature, and the practices of learning from the wise about how to put oneself in due position. The fact that a peacekeeper “does her duty” is *promptior* or more manifest when she moves *suaviter* into the right position between opposing sides. In teaching about peacekeeping, references to one’s duty will come up, but the teaching works best, *promptior*, when junior peacekeepers observe and assimilate the prudent, just, fortitudinous, and temperate acts of wiser peacekeepers moving duly into due positions.

“Instructio” is for furnishing, equipping, or arming before it is for teaching sentences

Two words remain as possible objections to this account. When Aquinas talks about “instructions” and “propositions,” it certainly sounds as if the prime analogate is not natural process and habituation of character, but verbal deontology. But moderns who think that way have not been equipping their armies, furnishing their

houses, or reading their Bibles in Latin. Before it means “teach,” or anything verbal, *instruo* means to build into, to set up; to arrange or prepare; to furnish, equip, provide (as with an “instrument”); and specifically to arm or to draw up an order of battle. Only so does it mean to teach.

Let’s read the Bible with Aquinas. The Bible is not just his daily reading and the subject of his lectures, but his stated source of authority in sacred doctrine. What do we find? “Bring the men into the house, and slaughter an animal and make ready [*instrue*]” (Gen. 43:16). Furnishings (*instrumenta*) instruct the tabernacle (Exod. 38:21). “Every man of you girded on [*instructi*] his weapons of war” (Deut. 1:41). “And the Philistines put themselves in array [*instruxerunt*]” (Vulgate 1 Kings = Protestant 1 Sam. 4:2). “David arrayed some of [his army] against the Syrians” (*instruxit*, 2 Kings = 2 Sam. 10:9). In 1 Chronicles 12:33 50,000 seasoned troops of Zebulon equip for battle with all the weapons of war (*instructi*), and following verses 34/37 “arm” or “equip” Asher and Manesheh for war. In 2 Chronicles 13:3 Jeroboam “draws up his line of battle” (*instruxit*), while a page later Asa arms his with bucklers and spears (*instruxit*, 14:10). Ezekiel 23:24 instructs “with chariots.” In this context, *instructio* sounds different even when it is verbal. Thus Job (6:24) answers his friends with the sarcastic “Teach me (*instruite me*) and I will be silent; make me understand how I have erred”: that is, prepare me for more of your taunts. Even in the context of understanding (*intellectum*), the word retains a physical sense, when it appears on the lips of God in Job again (33:8), *intellectum tibi dabo et instruem te in via hac qua gradieris firmabo*, “I will give you understanding and I will set your feet [*instruem te*] on the way in which I will steady your steps” (KJV). The closest instance of *instruo* to modern teaching in the Hebrew Bible is this: “When Jacob finished charging his sons [*instruebat*], he drew up his feet into the bed, and breathed his last, and was gathered to his people” (Gen. 49:32). Even though a father is “charging” his sons, the context is less moral education than preparation for death; the disposition of pasturage is also *instructio*. Paul adds more familiar instances of being instructed with law or furnished with charity. Precisely in Aquinas’s commentary on the *Ethics* we find *instrumentum militis, sicut gladius*, “military equipment, such as a sword” (*In Eth.* 1.1.7 n. 13). We find the same range of meanings in Cicero, whom Aquinas quotes two dozen times, and

who uses *instruo* to furnish a house, adorn a speech, apprentice an office-holder, and (as usual) draw up an order of battle. “Instruct” certainly means to instruct with words and laws, but also with goods, fields, and charity, and most often with arms, bucklers, spears, chariots, paths, and blessings. That is, to arm, equip, prepare.

“Instruction,” therefore, adds no new content to “providence,” but elaborates the same metaphor. God is the prudent father who blesses, the builder of the temple who builds in or in-structures its furnishings, or the general who arrays his creation and prepares his “men.” The architect and the general are familiar not only as favorite Aristotelian metaphors, but ones the Vulgate reinforces. With sin before it and grace after it, the law of human nature says how the God who arrays the heaven with stars and furnishes the earth with good things also arms humans against sin and equips them for grace. In Aquinas’s distinction, when law provides *instructio* and grace provides *auxilium*, we should translate, “Law equips and grace engages.” *Instructio* includes the verbal but places it in the much wider context of everything that the provident prepares. It engages reasoning but goes beyond it to ready those so outfitted to act. It does not preclude formal teaching but embraces the manifestation of structure and the display of example. It adds no philosophical content, but elaborates God’s prudence in images familiar from Aristotle, the Bible, and Cicero. It opens a space for commands as a part of God’s activity in blessing, building, furnishing, and marshaling creation, but fills them consistently with biblical data.

Propositions are about the eucharist before they are about sentences

The word *propositio* raises a similar difficulty for those who have not been setting their tables or reading their Bibles in Latin. Surely it means written rules? We imagine a sentence in words. Aquinas, however, has a different term for sentences in words, one that appears just once in the questions on law (I-II.95.2 *ad* 4): *enuntiabilia*, things one might say aloud. A proposition, however, is part of the adequation of the *mind* to a thing, the offering or putting forward of a ratio, which might be, as in geometry, a diagram or image. Aquinas is very clear about the role of *enuntiabilia* in the

mind when he considers the act of faith, because he needs to say that the object of faith is first of all God as the First Truth (II-II.1.1) by faith's "internal act," which includes trusting and adhering to God (II-II.2), and only derivatively the articles of the creed as faith's "external act" (II-II.3). The cognitive act – of faith and in the sciences – *does not terminate in the enuntiable but in the thing*, because it is the thing that the mind needs adequation to (II-II.1.2 *ad* 3). The Benziger translation uses the word "proposition," which is precisely wrong here: the Latin says *enuntiabilis*. The *thing* is the real proposition, that is, what is in reality proposed to the mind as true. In faith, the will proposes the truth to the mind as *good*, and the mind cleaves to what it cannot see for goodness's sake. In the tractate on faith we find the "truth proposed" – that is, not only or even necessarily stated, but *offered* – "in scripture" (II-II.5.3 *ad* 2); and also *ipsa essentia rei, vel veritas propositionis*, "the essence itself of the thing, or the truth of the thing proposed" – the fact of the matter. Even in logical contexts the word *proposo* means at most to state or present – that is, to bring forward for consideration – the premise of a syllogism. But in the contexts such as this, where Aquinas needs a clear contrast between the interior act and the exterior act, the word translated "propositions" (the plural predominates) is regularly *enuntiabilia*.

Aquinas maintains a distinction between sentences that could be uttered by mouth and things proposed to the mind, because he retains a wider context for things proposed. The most common meaning of *proposo* in Latin is to offer for sale (*in mercatu tuo*, Ezek. 27:22). It can mean to expose, set out, display, and even to threaten. In the Vulgate, God proposes precepts twice, and God and a king each once propose an edict. But God sets before the people "good and evil" twice (*proposuerim*), not as a sentence, but as a choice (*in conspectu tuo*, "in your face," Deut. 30:15). This usage is similar to other Vulgate usages, where someone proposes a problem, riddle, or enigma. In this vein, *propono* is a common verb for setting out a parable. But of 87 uses in the Vulgate, another one, familiar to Aquinas but not his modern readers, is by far the most common. The noun *propositio* is much rarer than all the other words derived from the verb *propono*, and it appears almost exclusively in this usage: *panis propositionis*, the bread of offering (19 times), supplemented by *mensa propositionis*, the table of offering (3 times). You may say that this has nothing to do with sentences. Not for Aquinas.

Even Schütz's fusty *Thomas-Lexikon*, monument of nineteenth-century Thomism, gives *panis propositionis* as the first meaning of *propositio*. For Aquinas, reason is a person, Christ the Logos. For Aquinas, the great demonstration is Christ's "demonstration of the Father," his *demonstratio Patris* (I.42.6 *ad* 2), which goes along with his demonstration of the way of truth into eternal life (III prol.) For Aquinas these are not puns or homophones: these are prime analogates, real showings of which the sentential form marks a distant and deficient derivative. We are talking about the author of *Pange linguae*. In the eucharist the bread of offering becomes daily the Truth itself in substance. To accept the proposition, you do not first of all assent to a sentence. To accept the proposition you first of all take the bread.

Love and Gravity

I return to love and gravity with the following passage, which identifies the movement of our nature with the attraction of the object as it supplies an interpersonal rather than physical analogy for the unity of divine and human acting: It's not that Aquinas looks around and discovers a metaphor, perhaps a dubious one, for how God operates. Rather he thinks that God made us this way, because that's how God *does* operate. It's no accident that love supplies Aquinas with the metaphor for how this works, because for him it's no mere metaphor: love is the *form*, which God has *built into* or *in-structured* the human being as God's temple. Natural law asserts that yes, God has built the form into people as well as planets. But as God moves planets – and planets move themselves – by gravity, so, analogously, God moves people – and people move themselves – by reason, which is nothing other than the human being's characteristic desire for truth.

Contemplation of the truth befits human beings according to their nature as rational animals, from which follows that "all humans by nature [*ex natura*] desire to know, so that consequently they delight in the knowledge of truth . . . Secondly, contemplation may be delightful on the part of the object, insofar as one contemplates the object loved [*rem amatam*] . . . Since, then, the contemplative life consists chiefly in the contemplation of God, *to which charity moves*, as stated above, it follows that there is delight in the contemplative

life, not only by reason of the contemplation itself, but also by reason of the divine love (*amoris*) . . . Wherefore Gregory says (*Hom. xiv in Ezech.*) that “when we see one whom we love, we are so aflame as to love him more.” And this is the ultimate perfection of the contemplative life, namely that the divine Truth be not only seen but also loved. (II-II.180.7c and *ad* 1)

Erotic metaphors, like gravitational ones, allow us to identify the movements proceeding from the moved and the mover. If I fall in love, I can tell two stories, one in which I am moved by the beloved, and one in which I find myself freed to make the most of my own powers. For Gregory as for Aquinas, the priority lies with the object that attracts, because it remains the unmoved mover (I-II.9.1). “Good and evil, that is, the objects of the appetitive power, are in things themselves” (I-II.22.2). Changes of metaphor from physical (gravity) to moral (charity) to erotic (flame) do not, on Aquinas’s terms, equivocate. He is opposed in principle to what would become nominalist univocity, and he is committed in principle to “analogy,” that is, to ordering his terms according to the highest reality. God’s love is what moves the world, not violently, but by eliciting love in return. That holds whether the love in return is the moon orbiting the earth, charity inspired by Christ, or eros “so aflame as to love him more.” These things respect, even perfect our freedom because they move us most internally: they move what we desire. Thus Aquinas insists,

Concupiscence [i.e., the appetitive power] does not cause involuntariness, but on the contrary makes something to be voluntary. For a thing is said to be voluntary, from the fact that the will is moved to it. Now concupiscence inclines the will to desire the object of concupiscence. Therefore the effect of concupiscence is to make something to be voluntary rather than involuntary. (I-II.6.7)

If that explanation sounds repetitive, that’s because it is. Aquinas – unlike modern readers who have read too much Nygren – regards the relationship as almost tautological. Aquinas’s *concupiscentia* is only sometimes lust. More often it is just our source of movement. When natural lawyers suspect love, they suspect the law, not only of human nature, but the universe.

Notes

- 1 The whole paragraph follows my notes of a lecture that Victor Preller gave at Princeton University on May 2, 1984.
- 2 This paragraph applies to *practical* knowledge what Preller (1967:65) says about *speculative* knowledge. In particular, I borrow Preller's use of *Vorgriff* (there a *Vorgriff auf esse*) and paraphrase the last two sentences from two of Preller's.
- 3 Flannery (50–83) shows how Aristotle and Aquinas *derive* lower principles from higher principles, even in geometry, in a way that eschews the purity of modern formal *deduction*. Rather, they work by “composing and dividing,” or synthesis and analysis. Analysis is a process of discovery, not proof (66), of searching for a key. Synthesis is a process of checking that the key works (62). Even in geometry, the Aristotelian method involves ancillary or amplifying material in the diagrams that is not strictly “in” the principles, because it is heuristically useful to the investigator (62).
- 4 Flannery (33) also cites Preller 1967:82 in passing to relate speculative and practical science, but it comes out differently.

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How Aquinas Reads Scripture

Aquinas uses “nature” as a mode of scriptural exegesis and a christological discipline. “Nature” becomes a field in which to contest the relation of the Bible to the world. That leaves nature neither secular nor stable enough for the courts to use. Rather, nature depends on biblical interpretation. And so the question arises, in hermeneutics as in law, what rules interpretation? The answer is, not so much laws as virtues. Interpretation is the business of the believing community. Interpreting forms the community, and the community forms the interpreter. This reiterates the pattern of nature and growth that obtains in the world also on the level of hermeneutics. It also reiterates the pattern that, in the Bible as in natural law, human authors arrange words to speak, whereas the divine Author arranges states of affairs to speak. The laws of hermeneutics like the laws of nature serve to open up rather than close down the operation of interpretive virtue, so that variety flourishes. Not relativistic variety, but variety in depth, because the Spirit moves most interiorly in the heart of the interpreter to give life to the text. Does the Spirit also diversify law? Yes: as eternal, natural, Torah, New Testament, as various not quite as every heart, but indeed as every heart the Spirit inhabits. That is why God’s law contains not generalities, but singulars. For Aquinas, the formation of the interpreter by the community is no descent into relativism. Rather, it makes an appeal to the virtues, to those habits that alone reliably direct the human being to the good. That, too, in its way, appeals to nature, to human character. But character is no secular, perennial, ahistorical human nature.

This chapter enlists Thomas Aquinas to enrich a late twentieth-century retrieval of the literal reading of biblical narrative in the Christian tradition (Frei; Tanner). It argues that the *Summa theologiae* can be read so that the *sensus litteralis*, far from promoting one predeterminate meaning for a text, promotes instead a certain ordered diversity of readings, and that the evaluation of readings belongs largely elsewhere than in hermeneutics (cf. Stout 1982, whence the phrase “interests and purposes” and my attention to their ethical evaluation). It opposes both those who seek such a single meaning and those who propose that anything goes. In short, it is the office of hermeneutics to promote an ordered diversity, of ethics to evaluate the results, and of providence to control the outcome. In other words, hermeneutics belongs to what Aquinas calls craft, and right interpretation to grace, working both within the interpreter and without. If right interpretation involves grace (or, more personally, the Holy Spirit), then within the interpreter one may speak of virtue, and outside the interpreter one may speak of providence, that is, law.

An Interpreter’s License

Aquinas’s official statement in the *Summa* comes at I.1.10, with compatible versions at *In Gal.* 4:24, §254 and *Quodl.* 7.6.1–3. (For Aquinas’s hermeneutics when scripture and science conflict, see Chapter 6.) It may seem at first glance to wed him to the author’s intention as a control on the possible senses of text, which would eliminate some readings a priori. For the spiritual sense with its subdivisions “is based on and presupposes [*fundatur et supponit*] the literal sense,” and “the literal sense is that which the author intends.” But so simple a reading sets up an opponent of straw. It turns out that Aquinas’s reflection on the literal sense leaves matters surprisingly underdetermined and that the author’s intention functions in his hands more to promote diversity rather than contain it. Consider the text:

That God is the author of Holy Scripture should be acknowledged, and God has the power, not only of adapting words to convey meanings (which a human being also can do), but also of adapting the

things themselves [*ut non solum voces ad significandum accomodet . . . sed etiam res ipsas*]. In every branch of knowledge words have meaning [*voces significant*], but what is special here is that the things meant by the words also themselves mean something. That first meaning whereby the words signify things belongs to the sense first mentioned, namely the historical or literal. That meaning, however, whereby the things signified by the words in their turn also signify other situations is called the spiritual sense, and it is based on and presupposes the literal sense.

. . . Now because the literal sense is that which the author intends, and the author of Holy Scripture is God who comprehends everything all at once in God's understanding, it comes not amiss [*non est inconueniens*], as St. Augustine says in *Confessions* XII, if many meanings [*plures sensus*] are present even in the literal sense of one passage of Scripture.¹

From the article as a whole we can pick out three distinguishable senses of "literal." They admit of distinction, but do not command it; Aquinas expects them generally and for the most part to fall together, and if he articulated the distinctions that I am going to make he would probably flag them as merely human. We may call them intentional, narrative, and communal.

- 1 The intentional functions in the body of the article and makes the argument run. "The literal sense is that which the author intends," Aquinas writes, "and the author of Holy Scripture is God." No modern inspiration theory plays any part here; God counts as author primarily of states of affairs. Human authors like human agents generally always act as free secondary causes. Otto Pesch argues that Aquinas offered more of the backing that historical criticism would require than anyone before him (701).
- 2 In the body of the article and in answering the second objection Aquinas recurs to a potentially second, distinct sense of "literal." He calls it "historical," and in the phrase *litteralis vel historicus* he makes the two frequent yokefellows. He glosses it with Augustine as occurring "whenever any matter is straightforwardly recorded," *cum aliquid simpliciter proponitur*. Aquinas adverts only to the record's genre, not its reference. *Cum aliquid simpliciter*

proponitur is quite different from *was eigentlich geschehen ist*. It is not here but under the relation of divine and human causality that Aquinas may open the door to historical criticism. Evidence that the literal sense covers more than “history” currently does come when Aquinas treats parables. Therefore it seems helpful to describe the literal sense as “narrative.” It captures Aquinas’s own *cum aliquid simpliciter proponitur*, and fits with “the mode of this science is narrative [*narratives*]” (*In Sent.*, prol., 5 in Chenu 66).

- 3 Aquinas uses “literal” in a third way when he answers the article’s first objection. Someone has objected that multiple senses in scripture would set up confusion. Aquinas replies: Only the literal sense can found argument; only it can support the spiritual senses; and it therefore occasions no confusion. In order for those claims to stand, Aquinas must have some notion like this in mind: The literal sense functions *de facto* as that which commands agreement. But not in a static way, since it is the same agreement that founds the spiritual senses’ diversity (as also Tanner). Two interlocking functions arise from the way that literal and spiritual senses relate: as that which commands agreement the literal sense serves stability; as that which founds and supports the spiritual senses it promotes diversity. The requirement of commanding general agreement leads me to call the third use “communal” (II-II.1.8–10 on creeds and the church).

In *From Shadow to Promise* (45–60), James Samuel Preus argues that it is through Aquinas that, by the time of the Reformation, the literal sense becomes the captive rather than the teacher of the hierarchy. The turn to the church offers one way – namely, Cajetan’s, printed after each article in the Leonine edition – of filling the gaps that an underdetermining hermeneutics opens up, to which I offer an alternative. Against a view such as Preus’s one may point to the extent of the community Aquinas appeals to. (Recall that it is agreement only on the literal sense that he needs; disagreement on the spiritual senses comes as no surprise.) So when Aquinas comes to expound the literal sense of the Old Law he always turns to what Jews do, and he cites Maimonides for much of what he says. Aquinas evidently has quite a wide body of agreement in mind, one that extends beyond the hierarchy at least as far as Jews and probably

beyond. One wonders whether it might not be possible, on analogy with the natural knowledges of God's existence and God's law, to characterize the literal sense as the "natural knowledge" of God's Word. Under those circumstances it is hard to imagine how Aquinas could, on the literal sense, exclude the readings of Protestants, so that if Aquinas's article on the senses of scripture had controlled Catholic thinking at the time of the Reformation, and not Cajetan's commentary on it, the disputes could not, as Pesch points out, have run the way they did (701).

- 4 The Latin prevents some mistakes that the English permits. Here for instance the word "meaning" can signify no unique, pre-terminate sense of the sort that Wittgenstein complains of, not least because it represents two different nouns, *significatio* and *sensus*, while at other times it abbreviates a verb. Aquinas never says "words convey meanings" in the sense that words count as one thing, things as a second thing, and meaning as a *tertium quid*; rather, he observes that we "accommodate" words to signify something. Aquinas attends first of all, that is, to how persons deploy words, rather than to what words mean in abstraction from use. In fact, as *voces* the "words" in question invoke the voice – they invoke instances of speech. And as *res* the "things" in question invoke not only physical objects but also entire situations or states of affairs. (Recall the *res publica*.) Aquinas need therefore be saying nothing more theoretical than this: When we talk, we use words to some purpose; when God talks, God too does so to some purpose; but then it is first of all states of affairs rather than words that God deploys. Aquinas elaborates both biblical hermeneutics and natural law in terms of God's providence. In both cases the distinction applies that God, unlike human authors, uses states of affairs to speak. So it is that both the types of Christ in the Bible, and the inclinations with which God furnishes (*instruit*) human nature, exist first in the world and come to speech for corrective purposes like the overcoming of sin. To reduce the law of nature or the Bible to a set of sentences, in Aquinas's account, mistreats each as the production of a human author alone.

After all is said and done, Aquinas's purely methodological considerations seem to exclude only conflict with the literal sense. Conflict with God's intention, as we shall explore in

more detail, is hard to establish, and conflict about what to read as the literal sense is hard to resolve. Furthermore, some literal senses are metaphorical, the third reply says, as when scripture speaks of God's arm, so that figuration does not confine itself to the spiritual level. Even figurative senses may qualify as literal – that is, intentional – in the mind of God (de Lubac 272–302, esp. 280). All that leaves a great many questions unanswered, and a great deal in hermeneutics underdetermined. Contrary to expectation, therefore, method carries readers almost no distance at all toward evaluating interpretations. More help comes elsewhere.

A Sample of Figurative Exegesis

In this section I sample Aquinas's exegesis of what he calls the Old Law, a figurative reading of sacrificial ceremonies from Numbers 19. It shows three things: (1) How the exegesis calls out, from a modern point of view, for critical evaluation, for much of it will strike modern readers as offensive. (2) How it, especially as inherited from the tradition and hence nearer the center than the margin of Aquinas's practice, shows off a great openness to or range among figurative meanings, literal in the mind of God. (3) How, like the natural knowledge of God and the natural law, Aquinas's hermeneutical theory follows and validates scripture – in this case Hebrews 13.²

A figurative reason for this sacrifice is that the red cow signified Christ in the lowly condition he took on himself, this being denoted by the sex of the animal, and its color signified the blood of Christ's passion. The cow was of full age, because all the works of Christ are perfect; it had no blemish, nor had it ever borne the yoke, for Christ did not bear the yoke of sin. It was commanded to be brought to Moses, because to it was imputed the transgression of the Mosaic Law in the breach of the Sabbath. It was also commanded to be delivered over to Eleazer the priest, because Christ was delivered into the hands of the priests to be put to death. It was sacrificed outside the camp, because Christ suffered outside the gate [Heb. 13:12]. The priest dipped his finger in the blood,

because, by discernment, which the finger signifies, the mystery of Christ's passion is to be reflected and imitated. It was sprinkled over against the tabernacle, which denoted the synagogue, either in condemnation of unbelieving Jews, or to indicate the purification of believers. This was done seven times, either in token of the seven gifts of the Holy Spirit, or of the seven days in which all time is comprised. (I-II.102.5 *ad* 3)

- 1 Some objections. This will strike most modern readers as "having gone too far." That any determinate meaning should attach to the number seven seems to ignore the variety of contexts in which it appears: it might as well stand for the seven openings in the head. That the color of the heifer should signify Christ's passion recalls a dismissal of medieval exegesis: *anything* red stands for Christ's passion. That a finger dipped in blood should signify the finger of discernment seems to ignore that in the first case it would point down and in the second up. That the sprinkling of the blood should condemn the Jews sounds anti-Semitic and seems to ignore the logic of the atonement. And that the heifer's sex should symbolize Christ's lowly estate sounds (to use an anachronistic category) sexist.
- 2 On the other hand Aquinas's method will give us no purchase against such readings. Nor should it. Any norms fine enough to exclude standard medieval procedures would end up also excluding many current procedures that it would impoverish modern interpreters to give up. Does it import a category any more foreign to the text for Aquinas to see Christ's blood in something red than for a Freudian to see a phallus in something long? Is it any less arbitrary for Aquinas to pair off seven sprinklings of blood with the seven gifts of the Spirit than for a structuralist to pair off first and last, second and penultimate words of a text until she reaches its center? The Freudian and the structuralist could, like Aquinas, each produce enough hermeneutics after the fact to defend the moves. How better to defend the application of female images to the second person incarnate than by invoking typology to argue that Numbers and Hebrews have given them authority and precedent? Or how better to counter nineteenth-century slavemasters' and contemporary bigots' appeals to the curse of Ham (Gen. 9:22–25) than

to preach from the King James Version of Revelation 1:14–15 describing the bronze skin and woolly hair of the last Judge (Raboteau)?

- 3 Aquinas's interpretation goes only somewhat further than Hebrews. Any method that excluded some details a priori would run the risk of outlawing the biblical example. Therefore we may regard this as a positive function and purpose of Aquinas's hermeneutics: that it make room for exegesis like that in Hebrews and reflect on it after the fact – that it make room, in fact, for the use of the Hebrew scriptures by the New Testament authors. It is not, after all, as if Aquinas had worked out a general hermeneutics before he had any samples of successful exegesis.

An Ordered Diversity: Fitting Explications and Spiritual Senses

Aquinas heads the sample of exegesis we have been considering with the rubric *conveniens ratio*, a fitting explication or suitable reason. Arguments from *convenientia* befit the realm of contingency rather than necessity. Perhaps a consistent use of *sensus spiritualis* in the theory and *conveniens ratio* in the example marks the usual gap between the divine and the human, the objective and the intersubjective. The *sensus spiritualis* is at home in God's mind, to which human beings in this life ordinarily lack access; the *conveniens ratio* underlines a theologian's humility before that lack – by contrast with a *ratio necessaria*, at home in a domain where human minds (still fallible) may actually possess the principles from which they reason. Signal evidence for the distinction may be that *convenientes rationes* appear most prominently and elaborately when Aquinas is explicating the mysteries of God's action in salvation history, especially the gracious contingencies in the commandments of the Torah and the life of Christ (e.g. III.1).

The distinction between *rationes convenientes* and *necessariae* is not sharp but relative to accessibility of purposes or ends. Necessity belongs to the general, whereas only God knows the singulars of sacred doctrine in their necessity; on the other hand, all human understanding of contingent things contains some element of neces-

sity (I.86.3; for a technical discussion, see Preller 80–87). Sacred doctrine is necessary in view of some purpose or end (see I.1.1 and I.82.1; Corbin 695), in this case God’s plan to admit human beings to the trinitarian fellowship. The purpose or end of rocks, to give a different example, is to move toward the center of the earth, so that human beings know the necessities that make up physics, as they know that tendency of rocks. But human beings can rarely claim to have such knowledge of God’s purposes, or providence, as to assign necessity. Sacred doctrine is a science in the mind of God and the blessed, and it proceeds from their vision, or understanding shot through with necessity; but here below the adherents of sacred doctrine are not scientists, but believers (II-II.9.2), because their minds participate in the science’s necessity only in part, by God’s gracious revelation (I.12.13 *ad* 3). Indeed, to know God’s purposes with necessity would be to know God’s essence, since providence supplies a nominal definition of God (I.13.9c), and God’s essence remains “entirely unknown to human beings in this life” (*In Rom.* 1:19, §114; I.12.13 *ad* 1).

What I call “the usual gap” works to preserve an apophatic moment in Aquinas and to name human ignorance, like this: In the Five Ways Aquinas reaches conclusions about “what everyone calls God” (I.2.3). They conclude, that is, not with the indisputable but with what no one disputes. Similarly on the natural knowledge of God’s law Aquinas appeals not directly to the eternal law beyond our grasp but to what “is the same for most people” (I-II.94.4). Here, in parallel fashion, he expects to prevent confusion by reference to the literal sense. At the same time believers remain importantly blind to the realities to which they refer: the divine essence, the divine law, and the divine intention lie in this life beyond human sight. Aquinas’s purpose in marking the gap is not to undermine the Five Ways, the natural law, or the literal sense by contrast to something more objective, but to license appeal to what most people agree on by contrast to that to which human beings lack access. The Five Ways, the natural law, and the literal sense help explain why Aquinas saw a good deal of commonality, even transcultural commonality in interpretation, but human knowledge of the literal sense lacks the character that would enable it to settle disputes all by itself. So if a tendency to distinguish *conveniens ratio* from a spiritual sense objective to God but beyond human

access furthers that distinction, then one might expect appeals to *convenientia* to pick out a communally agreed-on spiritual sense, while appeals to a *sensus spiritualis* pick out the sense intended by God using states of affairs to speak but to which human beings ordinarily lack any direct access. Thus Aquinas would use *convenientia* bivalently, to commend and limit the sense of the believing community in interpretation, as “what everyone calls God” commends and limits it in natural theology, “what is the same for most people” commends and limits it in the theory of the natural law, and the literal sense as preventing confusion commends and limits it in the natural knowledge of God’s Word. Thus the *sensus* as intended by God using things to speak, whether literal or figurative, provides a theological (rather than general hermeneutical) warrant for a *ratio ex convenientia*, a *de jure* answer to the question of why the community proves reluctant to give up a particular entrenched reading – as, for instance, when one part of the scriptures offers it for another part, just as eternal law provides a theological (rather than metaethical) answer to the question, Why natural law? and “God” tenders a theological answer to the question, What prime mover? (Rogers; Preller; Chapter 7 in this book).

In rare cases the appeal to the literal sense as God’s intention will work to privilege some figurative readings, namely, when they show up as the literal sense of some other passage. In most cases, however, the label *literal* or *God’s intended sense* will (because states of affairs may signify other states of affairs indefinitely) become a whole category into which many readings may fall. Aquinas insists on that point when he writes, as we saw above, that “it comes not amiss [*non est inconveniens*] if many meanings are present even in the literal sense.” As a whole category the appeal to author’s intention promotes diversity rather than restriction of readings, particularly since we can point so rarely to relatively independent indications of what it is.

It will seem less strange that the author’s intentions should function that way if one considers a similar expansion in “intention” after Freud. Without psychoanalytic theory the notion of “subconscious intention” sounds like a contradiction in terms. Yet post-Freudians have become so familiar with it that it gives them no second thought. So, too, Aquinas’s readers with multiple divine intention. A post-Freudian author with subconscious intentions may

escape our grasp better than a pre-Freudian one without, just as a divine author resists human control better than a mortal one. One author's subconscious may arrange words to stand for states of affairs that stand for further, psychologically explicable states of affairs that the author may not acknowledge or may even disavow, just as another author's God may arrange divine words to stand for states of affairs that stand for other, christologically explicable states of affairs that the author, *ante Christum natum*, might want to disavow. That is, to take a modern historicist view of how to read the counterfactual, what would a pre-Christian author make of a Christian hermeneutic? (Aquinas may answer differently at II-II.2.7–8.) So, in both cases the author's intention serves to expand rather than narrow the range of readings. Finally, parts of psychoanalytic theory distant from textual interpretation, such as the stages of sexual development, will tend to privilege some readings, just as parts of theology distant from hermeneutics, such as doctrines of the atonement, will tend to privilege some exegeses. But such theoretical contexts relate so distantly to official method as to constitute distinct interests and purposes.

In a moment I will go on to talk about how Aquinas evaluates the interests and purposes of the interpreter. But first it is time to re-examine the first objection that Aquinas poses to his own view. Is it not the case that the existence of multiple senses *sub una littera* takes away the "firmness of argument" (I.1.10, obj. 1) – especially if the multiplicity is that not merely of the spiritual senses, but that of the literal sense itself, as a class of meanings? The answer to the first objection assumes that Aquinas directs it only against the possibility of spiritual senses. "The multiplicity of the senses does not make for equivocation," because it is the states of affairs rather than the words that support the spiritual senses. Firmness of argument is maintained, the reply continues, because in case of dispute, argument may only proceed on the basis of the literal sense. The answer to the first objection *appeals* to the literal sense: it does not contemplate the possibility of the *literal* sense taking the firmness of argument away. That question remains unanswered: Granted that firmness of argument is maintained once the literal sense has been established, how is firmness of argument maintained in establishing the literal sense in the first place? Or, in other words: Suppose a dispute arises about the literal sense itself?

There are several answers. One is that Aquinas is not a modern thinker and is not imagining “firmness of argument” with the architecture of a building in mind, where something would stand as a foundation. Earlier in the same question Aquinas considers the scientific character of the discipline of theology using personal rather than architectonic metaphors, or better, it is the architect he mentions rather than the building. The student of sacred doctrine uses manuductions as an architect uses a contractor or the civil authority the military (I.1.5 *ad* 2). The use of inferiors by superiors in this way involves firmness not of the materials but of character, or the virtue of prudence, to which I come shortly. So too the determination of the literal sense requires firmness of argument, *arguendo firmitatem*, where “argument” is literally the *human act of arguing*, rather than a syllogism on a page. Arguing is more a matter of rhetoric, or art, than hermeneutics, or technique. Elsewhere, Aquinas goes so far as to *require* that the literal sense bear more than one reading in order to preserve the possibility of arguing with opponents – he *requires* that the literal sense form a class of reading precisely to *sustain* the firmness of argument. To do otherwise might expose the arguments of the faith to the opposite of firmness: ridicule.

For in the *De potentia* (4.1c *post init.*) Aquinas writes, following Augustine, that one should avoid subjecting the truth of the faith to ridicule (*ab infidelibus veritas fidei irridetur*) by holding that something belongs to the faith that has been shown to be false. (The case in question concerns Aristotelian and biblical views of creation; for more, see Chapter 6.) Since it is also to be avoided that anyone should claim that scripture teaches something false, the “give” must come in interpretation. Thus it is also to be avoided

that anyone confine [*cogere*] scripture so to one sense, that other senses be entirely excluded, that in themselves contain truth and are able to be adapted to scripture, preserving the way the words run [*salva litterae circumstantia*, in the phrase of David Yeago]; for this pertains to the dignity of divine scripture, that it contain many senses under one letter, in order that it may both in that way befit diverse intellects of human beings – that all may marvel that they are able to find in divine scripture the truth that they conceived by their minds – and by this also defend more easily against the infidels, since

if anything which someone wants to understand out of sacred scripture appears to be false, recourse is possible to another of its [literal!] senses . . . Whence all truth [*omnis veritas*] which, preserving the way the words run, can be adapted [*potest adaptari*] to divine scripture, is its sense [or “is a sense of it”]. (de Lubac 284–285; Marshall 90–97)

Does this mean that anything goes for the literal sense? By no means. Does Aquinas provide a procedure that the Enlightenment would recognize as a method for adjudicating these difficult cases? No. But the marshaling of scientific and literary evidence for interpretation does require the virtue of prudence, about which Aquinas has much to say.

Theological Interests and Purposes

It should come as no surprise when specific samples of exegesis also reflect relatively distant theological interests and purposes. Any rabbi could point out the distance between pre-critical Jewish and Christian exegesis of the common scriptures. Nor would it take Mary Daly to point out that Aquinas’s method need not make a cow’s sex the symbol of Christ’s lowly estate. It simply follows that when hermeneutics leaves interpretation undetermined, as Aquinas’s wisely does and as any interesting hermeneutics must, other – Aquinas would say, contingent – interests and purposes take over. In his case it is precisely the relevant theological interests and purposes – like making Christian sense of Numbers, validating Hebrews, unifying the two Testaments, elaborating the atonement – that render a reading *conveniens*. It is *convenientia* that allows Aquinas to attribute reasoning from effect to cause to the second person of the Trinity and *convenientia* that leads him to associate the second person with the eternal law. Figurative readings most apt to remain *conveniens* will also refer to Christ. At the end I will say more about how a theological commitment to providence constitutes one of the most pervasive of those interests apparently distant from hermeneutics. Thus Aquinas would appreciate if he did not inspire Jeffrey Stout’s comments on method:

method (bad sense) – a self-sufficient set of rules for performing some task; . . . see hermeneutics (bad sense); perfectly captured in this sentence from Camus “*Quand on n’a pas de caractère, il faut bien se donner une méthode.*” *Method* (innocuous sense) – rules of thumb for performing some task; not a substitute for *phronesis* and tact. (1988:296)

An Interpreter’s Virtues (Applying Stout)

The reference to *phronesis*, “prudence,” points us in an important direction, to the role that the will plays in interpretation and the leverage that its role might provide for evaluation.³ For interpretation is a human act. Therefore Aquinas might well evaluate it as he evaluates other human acts. The state of the will plays a crucial role in Aquinas’s evaluation of the act of faith and in the act of fulfilling the natural law. That he fails to advert to it, as far as I know, in the case of interpretation, can therefore have nothing to do with a concern for consistency. Rather the reverse. Consistency and, if we follow other examples, even adequacy demand it. Nor can his reluctance have anything to do with a lack of resources. For whatever reason, Aquinas tended largely to neglect the virtue language where evaluation finds itself most at home. Current readers, however, may deploy it.

Aquinas prescribes evaluation of both the exterior and interior aspects of a human act, giving the interior act absolute priority. The product he evaluates according to art, and the agent according to virtue: charity (I-II.57.1), justice (I-II.57.3 *ad* 2), prudence (I-II.57.4) (Rogers 166–180; Nelson).

In detail: The theoretical knowledge or method regards only the true and false (I-II.57.2 *ad* 3). The hermeneutics of I.1.10 stands first of all under that description. Art, *techne*, or skill about things to be made, counts as an intellectual virtue – virtue because it specifies the good of a product – but not a moral one. As the mere exerciser of skill, even the artisan, almost as a skill’s instrument or a product’s cause, can get evaluated in technical terms: “So long as a geometrician demonstrates truth, it does not matter how he or she feels about it, whether joyful or angry; neither . . . is it relevant

to the artisan as artisan . . . Art gives only the ability to act well” (I-II.57.3).

For the actuality of acting well, however, an agent needs moral virtue. Take as a striking example the case of “the demons [who] believe and tremble” (II-II.5.3, esp. *ad* 1 and 3). It marks the demons to command a keener intelligence and an abler skill than humans. The evidence of signs compels them to confess Jesus as Lord quite apart from a movement of their wills – as it cannot compel human beings. Thus the demons who believe and tremble complete, despite themselves, the exterior act of faith. But they use the knowledge ill, detesting rather than loving it. And the interior act, their greater art all unavailing, vitiates their knowledge. It is thus, for Aquinas, that “the demons believe and tremble,” and thus that faith as a product of an intellectual process comes to count for them as something bad, something that redounds to their discredit. So too for the use of art – of which Aquinas specifies that “constructing . . . a passage of prose” (I-II.57.3 *ad* 3) constitutes an instance – “In order that one may make good use of art, one needs a good will, which is perfected by moral virtue” (I-II.57.3 *ad* 2). Elsewhere, Aquinas does not hesitate to turn from evaluation of the product, such as a piece of knowledge or an act in accordance with natural law, to the evaluation of its status in the agent’s will – he insists on it. Why not then here? He goes on: “For this reason Aristotle says that there is a virtue for art, namely, a moral virtue, inasmuch as good use of art requires a moral virtue. Clearly it is through justice, which gives a right will, that an artisan is set on doing faithful work” (I-II.57.3 *ad* 2).

When Aquinas turns his attention to the *use* of an art he takes the skill as a means, the product as a tool toward some end like justice. It is the *employment* of an interpretation that now needs attention. In an important case, of course, the first use of an interpretation comes by the interpretation’s author. For no one interprets without a mind to use; every interpretation befits some purpose. Indeed, for Aquinas acts do not occur or make complete sense except in reference to an end. When the analysis also of an *interior* act applies to interpretation and its use, evaluation according to art is by no means left behind, but new criteria open up that Aquinas makes richer and more nuanced. His comments on the art

of interpretation occupy a single article; to it one may add a few on the intellectual virtues. Those on the moral with the theological virtues, on the other hand, run for hundreds of pages. If readers instruct their interests along Aquinas's lines they will attend not only to an interpretation's truth but also to its goodness, not only to its art and skill but also to its use and fruit. That also makes sense in terms of Aquinas's own interests and purposes. For it looks as if it falls to method, by purpose and function, to promote diversity. To evaluate the products and choose among them, on the other hand, falls to ethical reflection. Of course it is not in this life simply and identically the same to display the virtues of an art and to count the artist among the virtuous. One can make a rough-and-ready, penultimate distinction between them. This is not the place to rehearse Aquinas's arguments for the virtues' unity. But the rough-and-ready distinction does break down. The courageous Nazi, in a standard example (MacIntyre 167–168, in a view he abandoned), simulates courage well enough for an observer provisionally to call it so but proves finally to mistake true courage for foolhardiness. The infidel-killing crusader, in another, "Christ is Lord" his battle cry, utters a homophone for something true of Christ, but betrays a notion of lordship altogether at odds with what a true interpretation of the predicate requires (Lindbeck 64). The Nazi counterfeits courage; the crusader belies his faith.

Another way of stating the thesis is that hermeneutics requires wisdom. Aquinas elsewhere confirms and qualifies the claim. At I.1.6 he asks whether sacred teaching in general counts as wisdom. Not only does hermeneutics fall under sacred teaching, but as sacred scripture is the instrumental cause of sacred doctrine, it helps to constitute it. *Doctrina*, or teaching, is "the action of one who makes something known" (*In Post. anal.* 1.1). Sacred doctrine is God's making known to human beings God's own self, and the temporal mission of the Person of Christ (I.43.2), to which human beings now have access in sacred scripture, "a created analogue of God's act of self-knowledge as expressed in [God's] Word or inner speech" (Preller 232–233). Our first look at how hermeneutics requires wisdom confined itself to a thoroughly Aristotelian move without clear Christian commitments. Here, however, we find that radically theological claims of a sort Aristotle would hardly recognize lying just below the surface. Aquinas writes, "That person . . . who

considers simply the highest cause of the entire universe, namely God, is to be called supremely wise.” Obviously, Aquinas calls on the interpreter of the Bible to exhibit such wisdom by considering how God uses states of affairs to speak. In fact, so deeply do Aquinas’s theological interests and purposes there ramify through the article on scripture’s multiple senses that a modern reader might well read it as belonging to a meditation on providence, not method. As Aquinas specifies in the *Quodlibetal Questions*, “Things are so ordered in their course that such a [spiritual] sense can be taken from them only [by] the one who governs things by providence, who is God alone” (*Quodl.* 7.6.3c). And Aquinas defines providence as the prudence of God (I.22.1). In interpretation the prudence of the interpreter attempts to reflect the prudence of God in arranging states of affairs to speak. It is, on Aquinas’s account, highly appropriate to expect the interpreter’s interests and purposes to deepen and inform the interpretation, since, as Victor Preller puts it, “conformation of the mind to the intention of sacred scripture effects the conformation of the soul to the Second Person of the Trinity” (233). It is also appropriate therefore to attend to those interests and purposes and to ask about their christoformity. Aquinas’s position also respects the contributions of interpreters lacking, like all human beings, perfect wisdom or justice or charity. It is not the case that a turn to the interpreter will by a species of Donatism disconfirm the histories of Emanuel Hirsch or vitiate the theology of Paul Tillich. Nor will it plead especially for the pious ruminations of the beautiful soul. The reply to the third objection in the article on wisdom specifies as well the situation of the interpreter:

There are two kinds of wisdom . . . Persons who possess the habit of a virtue rightly commit themselves to what should be done in consonance with it, because they are already in sympathy with it; hence Aristotle remarks that it is the virtuous person who sets the measure and standard for human acts. Alternatively, . . . persons soundly instructed in moral science can appreciate the activity of virtues they do not themselves possess.

The first way of judging divine things belongs to that wisdom which is classed among the Gifts of the Holy Ghost . . . The second way of judging is taken by sacred doctrine to the extent that it can be gained by study. (I.1.6 *ad* 3)

The passage offers two qualifications. First, it remains appropriate to find an interpretation or its application lacking in justice or charity even when readers appreciate those qualities more than they possess them. Justice and charity provide some of the categories that permit an approach to truth, that allow, in this case, the adequation of mind to text. Second, study remains of help. Both the ethical categories that Christian interpreters may want to bring to bear, and the hermeneutical skills that virtue and tradition have found helpful, number among study's appropriate ends.

Suppose we treat Aquinas's interpretation of Numbers as I have suggested. At least two advantages accrue thereby. First, Christian interpreters will equip themselves better to do justice to the misgivings I sketched above. They will also give Aquinas something more Thomistic to do with a reading that, like many others, he largely inherited. They will be able, for example, to defend the intuition that reading red as Christ's passion simply goes too far, the product of a runaway interpreter's appetite, the desire to interpret every detail: one needs the virtue of temperance to restrain it. They will be able to object to Aquinas's use of the equation of the cow's sex with Christ's estate; he might more justly or hopefully have used it to say that the estate of Christ elevated the sex of the cow. They will be able to help Aquinas decide whether the sprinkling of blood against the tabernacle condemns Jews or purifies the believers. (The charge against the interpretation need not stick to the interpreter, Stout 1988:83–87.) Of course the change of ground will not end the debate but it may enrich it. For then Christian interpreters will also be arguing about how they, as authors and employers of texts, as well as how texts, as mines for typology, conform to Christ.

Between Providence and Prayer

Those who worry about the use and abuse of texts, who fear that a glance at the interpreter gives the text a wax nose, also tend if they follow the Enlightenment to address their worries in hermeneutics. How else, in other words, is the biblical text to offer resistance to interpreters' prejudices and preconceptions? Three points:

- 1 Aquinas wastes little worry on “what the text says” as such. His hermeneutics devotes its two scant pages to pointing us elsewhere. Aquinas worries less about what the text says, that is, than what God says through it. Similarly he worries little about “what the law of nature says” but points us elsewhere throughout the analysis of the act and the catalogue of the virtues. Even so, God speaks through a text only secondarily, as the interpreter, or any human agent seeking to influence events works secondarily, since God’s primary agency in revelation works through states of affairs, just as in general God’s primary agency oversees all states of affairs in the world. So it is God and not the text – or God working through and with the text – that offers resistance.
- 2 It is certainly not the case that the Bible, for Aquinas, is to leave interpreters’ preconceptions unchanged. Neither, however, can it change them, in the absence of God’s work in the will. If Aquinas knew such a thing as secular biblical interpretation, it would differ from faithful biblical interpretation at the place where the eyes of faith see God disposing of things. Thus Aquinas’s biblical hermeneutics requires, like natural law, a faith in divine providence that only God can work. Furthermore, Aquinas’s subordination of biblical hermeneutics to general providence informs it in the farthest from an anthropocentric way. The influence the text may exert on the interpreter’s interests and purposes also stands under providence. In short, providence names among other things interpretation’s resistance to human control.
- 3 Similarly, the interpreter may never pursue an interest or purpose as though its success or failure depended alone on his or her own efforts. Such an attitude not only might lead to the sort of interpretation that fails to “do justice” to a text or that finds itself “untrue” to it; such an attitude also usurps God’s place as the One who employs states of affairs to speak. If the success or failure or unexpected use of an interpretation lies in God’s hands, the interpreter is freed to do the next right thing in interpreting, without turning consequentialist about the result. And if the interpreter desires to influence the course of events more than the next right interpretation seems likely to do, a

recognition of God's providential will reminds her that interpretation does not, after all, qualify as primary causality.

Aquinas makes prayer the highest of secondary causes, that is, the highest among human efforts (II-II.83.1–3, esp. 3 *ad* 3). Those who worry about the salubrious or deleterious effects of interpretations will tend, if they follow the Enlightenment, to address their worries in hermeneutics. If they follow Aquinas, they may address their worries also in prayer. Prayer is one of the aids to study and modes of acquiring *scientia*, along with imitation of the holy and the good, that Aquinas recommends in a brief letter to a brother (*De stud.*; thanks to Otto Pesch). It is therefore to prayer that Aquinas would turn the interpreter who seeks to achieve some purpose by the most effective means. And the interpreter who prays well, of course, will find that prayer also improves the interpretation, most of all, perhaps, by leaving the interests and purposes that motivate it changed.

Notes

- 1 In this chapter, I use the Blackfriars Latin–English edition of the *Summa* (1964–1980), making minor changes without notice.
- 2 For a long sample of Aquinas's exegesis – an account of his commentary on Romans 1 – that does not much involve spiritual senses, see Rogers, chs. 3 to 6.
- 3 This section follows Stout 1982.

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How the Law of Nature Is a Character in Decline

Aquinas reads Romans as a decline narrative about idolatry in Abraham's time, which "arrests," "ties up," or "terminates" natural law. This chapter makes it difficult to cite Aquinas in court, because on his terms courts work after nature has been "destroyed" and restored by the Holy Spirit. As the Commentary on Romans makes clear, Aquinas's better-known defense of natural law in the Summa describes nature reformed by grace (In Rom. 2:14, §216). The same passage mounts a polemic against law abstracted from grace that would seem to compare natural lawyers to Pelagian heretics, while another passage would seem to compare them to Gentile idolaters who "subtract" from the knowledge of God and receive the punishment of the very sexual sins that natural lawyers tend to deplore. That reasoning places Aquinas's legal thinking into a distinctly narrative rather than philosophical frame. As we saw in Chapter 1, Law names a character of multiple aliases and unmaskings. We meet "eternal law," which Aquinas here identifies as Jesus; "natural law," a Gentile of checkered history and feckless disposition, a tragic figure bound by social injustice, blinded by culpable ignorance, and handed over to sexual excess; the "Old Law" or Torah, about whom Aquinas explicitly changed his mind; and the "Law of Life," more commonly called Grace, the inhabiting Spirit. Natural law's advocates present Aquinas as offering something unchanging over time and in principle neutral as to religion: Aquinas's commentaries portray a fickle figure for whom false religion is fall and true religion is rebirth. The courts look to natural law to escape difficulties over gender and ethnicity; Aquinas's story complicates both.¹

Thomas Aquinas's *Commentary on Romans*, chapter 1, follows Paul to recount a narrative about natural knowledge and the culpable loss of its effectiveness through injustice and ingratitude. Throughout his commentary Aquinas imitates Paul in making knowledge depend on justice. Differing views of justice lead to differing interpretations of natural law.

Meanwhile, on the question of whether all human beings naturally participate in God's eternal law, as a law of nature, Aquinas's *Summa theologiae* directs readers to Romans 1:20, making it crucial among Aquinas's scriptural warrants for natural law's existence: "We cannot know the things about God, as they are in themselves [*cognosci a nobis non possunt*]; but they are manifest to us in their effects, according to Romans 1:20, 'The invisible things of God are seen [*conspiciuntur*], being understood from the things that have been made'" (I-II.93.2 *ad* 1). This certainly sounds like a grant of authority. And it is a grant of authority, in the sense that it authorizes human beings, under God, to use reason to direct their acts toward their end in God. The grant of a share in God's eternal law leads eventually to the grant of a share in the beatific vision of God. But if Aquinas's hearers then, or readers now, turned to their notes on his lectures on Romans for more information about that grant of authority, they would find an interest *not* in the content-rich particulars of what the law of nature reveals or demands: but an interest in why the grant of authority to think for oneself has *failed*, and how it might be *restored*. And to explain that, they would find, not so much a piece of logic (although Aquinas does use logic), but a narrative.

Aquinas used the language of natural law for several purposes (Bowlin 1998). The end it serves in his *Commentary on Romans* 1 bears special scrutiny because the *Summa* refers to Romans 1:20 among natural law's scriptural warrants: and yet in Romans, Aquinas treats it more as a character in a drama than as a guide to goodness.

Although I set the episode in Romans 1 into the context of both the entire commentary and Aquinas's commentaries on the other Pauline epistles, this chapter focuses on the immediate context of Romans 1:20, since that is the verse to which the *Summa* refers students of natural law.

Let me set the conclusion up front by skipping briefly ahead to Romans 2. Having gone through the narrative of nature's decline

in Romans 1, Aquinas provides a short summary on how to understand “nature” in Romans 2:14 (§216): “the Gentiles, who do not have the law, naturally (*naturaliter*) do those things that are of the law.” Aquinas’s commentary on *that* verse sweeps modern conceptions of nature away:

But because [Paul] says “naturally,” he raises a doubt.

For it seems to support the Pelagians, who said the human being by his or her own natural powers [*per sua naturalia*] was able [past tense, *poterat*] to observe all the precepts of the law.

Whence the word “naturally” is to be expounded as “by nature reformed by grace” [*naturaliter, id est per naturam gratia reformatam*]. He [Paul] is speaking of Gentiles converted to the faith, who by the help of the grace of Christ began [*coeperant*] to observe the morals of the law. Or one can say “naturally,” that is, shown to them by the natural law what is to be done, according to Psalm 4:7, “Many say, Who shows us good things? It is signed,” and so on, in which is the image of God. And nevertheless it is not excluded that grace is necessary for moving the affect, since also “by the law” is “the knowledge of sin,” as is said below in Romans 3:20, and grace is still further required for moving the affect [*Et tamen non excluditur quin necessaria sit gratia ad movendum affectum, sicut etiam per legem est cognitio peccati, . . . et tamen ulterius requiritur gratia ad movendum affectum*].²

In short, “nature” either *means* grace or *needs* grace. The Aquinas of the natural lawyers could not have written that. But the Thomas of history did. And in it he suggests that natural lawyers resemble Pelagians (Hittinger, xi–xii implies but does not state a similar critique). At least their anti-Pelagian codicils are not allowed to infect the secularity of their presentations. And that passage is the very one to which he refers readers of the question “Whether there is in us any [*aliqua*] law of nature,” where it serves as the warrant, in the *sed contra*, for the famous answer (I-II.91.2). In the commentary, we find a law of nature that operates either *by* grace or *in need* of grace. Natural law without grace brings not goodness but only the knowledge of sin (*In Rom.* 3:20, §§297–298). That is, in a nutshell, the story of failure and culpability to which we now return.

Aquinas's *Commentary on Romans* 1 follows Paul in telling a real if sketchy story into which Aquinas fitted natural law – a story of a natural knowledge and the culpable loss of its entire effectiveness through injustice and ingratitude, so that the Gentiles have no use of it any more. That story lies embedded in the larger one of the coming of Christ, one in which God's wrath at injustice and ingratitude reflects the loving forgiveness that works to restore them. Yet the *Commentary on Romans* and the story it tells remain almost unknown to students of natural law (see Chapter 1). The exception proves the rule. When natural lawyers do refer to the *Commentary on Romans*, they tend to quote isolated dicta or formal *quaestiones* rather than trace the narrative movement of Aquinas's attempt to follow a biblical text, concealing that the citation comes from a different genre than the *Summa* (Westberg 227–228; Finnis, index).

Aquinas's much better-known treatment in the *Summa theologiae* points to the commentaries both in general and on the subject of natural law. Its prologue introduces the *Summa* as a more systematic treatment of the topics that arise from commentary on scripture. As we have seen, and shall come to treat most fully in Chapter 7, the *Summa*'s first question parses the Aristotelian first principles of a distinct science as the revelations (lower-case *r*) of its formal light, so that sacred doctrine becomes more, not less Aristotelian as it proceeds from scripture. Indeed, in proceeding from Revelation with a capital *R*, sacred doctrine becomes *scientia par excellence*, and, by the time Aquinas is through with question 1, its Aristotelian or principled character *just is* its biblical character (I.1.2–3, 8; Rogers 1995:16–70). Students of natural law, precisely if they care about the scientific (which for the *Summa* is the biblical) character accorded natural law, would do well to attend to Aquinas's commentaries as the place where Aquinas expounded and commented on the first principles of sacred doctrine concerning it.

It is in the *Commentary on Romans* that natural law finds its scriptural home. In the *Summa*, the statement that “the invisible things of God can be known from the things God has made” (Rom. 1:19–20) serves as biblical warrant for the existence of a natural moral law, as well as the biblical warrant for the demonstrability of the proposition “God exists” (I-II.93.2 *ad* 1; I.2.2). To many, therefore,

it will signal a change of genre from sacred doctrine to metaphysics, so that the Aristotelian rather than the scriptural commentaries come to mind. But if the verse also warrants the *Incarnation* (III.1.1.)? Is the Incarnation also to be a matter for nature? This only makes sense if “nature” may bear grace (*capax gratiae*).

To interpret otherwise is to mistake the matter for the function, or in Aquinas’s terms to miss the formal rationale. He quoted the verse in obedience to his rule in the *Summa* to take its proper arguments from scripture. According to I.1.8, metaphysical arguments (and therefore the famous “preambles”) “may be cited only as external evidence with probable authority,” rather than proper arguments in sacred doctrine (Preller 22–34). Used authoritatively, merely Aristotelian demonstrations would destroy the integrity of sacred doctrine as Aristotelian science in the way that Aquinas was careful to define it. By merely Aristotelian demonstrations, I mean demonstrations that have not been taken up into the demonstration of the Father by the Son, of which Aquinas made metaphysical demonstrations a penultimate case. Aristotelian demonstrations work in the *Summa* by the courtesy accorded deficient christology (Rogers 1995:58–70, 211–213; cf. Corbin 700–727 and Pesch 1985:568, 583 n. 10). Romans 1:20 is *the* warranting authority in sacred doctrine for arguments for the demonstrability of God’s existence; on the basis of Romans 1:20, or on Paul’s authority, Aquinas believes that God’s existence is demonstrable, even if each of the Five Ways should fail – a possibility for which he explicitly allowed when he opened the *Summa* with the observation that in this life sacred doctrine always contains “an admixture of many errors” (I.1.1).

On the basis of Romans 1:19–20 Aquinas also believes there is *such a thing* as a moral law of human nature, even if it should prove unable to perform its office of leading human beings to the good (*In Rom.* 1:18, §112). “Good is to be done and evil to be avoided” does not ground but tautologically restates the bare form of natural law in the *Summa*. Despite the numerous articles that intervene between the beginning of the *Summa* and the treatise on law, Aquinas has not forgotten the ruling of question 1 that it is scripture that renders sacred doctrine a science, and he did not “backslide into philosophy” (Pesch 1985:865) when he took up natural law.

The *Summa* intends to take its authoritative first principles from scripture everywhere in sacred doctrine because otherwise its unity

disintegrates (I.1.3). The treatise on natural law cites scripture to follow that rule, insisting on rather than undermining its scientific character. Other readings make him inconsistent. Why Aquinas argued in favor of natural law appears from the biblical quotations: his reason is Paul's assertion in Romans 1:20 that "the invisible things of God can be known from the things God has made" or in Romans 2:14 that "the Gentiles 'naturally' observed the law." Other quotations of Romans 1:20 in the *Summa*, which are numerous, also fit this interpretation.³ Of those, the most important is the one in which the same verse that warrants "natural" law also warrants the fittingness of the *incarnation*, showing that "the things God has made" founds no purely natural philosophy (III.1.1). But in his *Commentary on Romans*, Aquinas portrays natural law as an injured and therefore ineffective party in a story of decline and fall. Aquinas follows Paul in reporting that the Gentiles – sometimes non-Jews and sometimes philosophers – had detained the natural knowledge of God in unrighteousness. That natural knowledge of God is at once the natural recognition of God's existence, and the natural recognition of God's will, or recognition of the human end and the human good. So bound, natural knowledge could no longer exercise the office of true cognition of God, which is "to lead human beings to the good" (*In Rom.* 1:18, §112; I-II.92.1). It became a failed knowledge of God, an instance of ignorance rather than knowledge, an ignorance brought by injustice and therefore culpable. Aquinas makes the story a subplot in the larger narrative of the gospel grace of Christ, which first reveals the bondage of the natural law in freeing it for renewed effectiveness in a life of grace-sustained justice and gratitude exemplified by the justified person such as Paul (Rogers 1995:73–95).

The *Summa*, on the other hand, portrays natural law more as a cause than as a character. It defines natural law as a human rational participation in God's eternal law; God's knowledge, after all, is causative, while "participation" is first of all causal language (I-II.93.2; I.14.8). God's knowledge is no mechanical, efficient causality to which non-Aristotelians may reduce the word, but formal and final aspects predominate (Fabro 308–311). Natural law in the *Summa* becomes a subset of the ways or laws by which God, as a provident or prudent ruler, governs creaturely subjects, not so much by informing them (which God also does) as by moving them

in ways that befit the creaturely nature God has given each species. God's moving creatures as befits them does not mean God has undermined divine freedom in constraining future choices by past ones; rather Aquinas thought of the creature's nature and God's movement of it as one unitary gift since to have a creaturely nature just is to enjoy a principle of movement as God-given. The law of nature for rational creatures allows God to move them by involving what is most their own, namely their reason, in their free movement of themselves.

Although the two portrayals of natural law differ as character and cause, they are not at odds. An interest in causes recurs in the *Commentary on Romans*, as narrative structures persist in the *Summa*. The prologue to the *Sermon on the Two Precepts of Charity* features a compact version (*In praec.*, prol.). But this chapter focuses on narrative structures because scholars have overlooked them (see Nelson 96–97, 100–101). Narrative structures are the more important because Aquinas insisted, as we have seen, that “the mode of this science is fittingly narrative” (*In 1 Sent.*, prol., 5c), a mode that predominates for long stretches of his commentaries and to which, in *Romans*, he subordinates law. According to Aquinas's prologue to the Pauline epistles, Paul's “whole teaching is the grace of Christ” (*In Rom.*, prol., §11). In the *Commentary on Romans* as a whole the narrative is one of the grace of Christ “in itself” (*In Rom.*, prol., §11), where “the power of gospel grace is for the salvation of all human beings” (*virtutem evangelicae gratiae esse omnibus hominibus in salutem*, *In Rom.* 1:18, §109), and “all human beings” are divided in typical Pauline fashion into Jews and Gentiles (Boguslawski; Rogers 1997). The narrative resembles most closely the first of the types; it is christological through and through (cf. Hall).

Here I mention the wider context of the rest of letter and of Aquinas's commentaries on the other Pauline epistles in order to focus on the episode of the story in which natural law appears as a character, *Romans* 1:18–2:1, and its relation to the characterizations in the *Summa*. Because of the context of the letter, natural law never appears in a creation abstracted from God's plan to elevate it, but in one lit by the gospel grace of Christ (*Rom.* 2:14). The drama of the story consists in the surprising situation in which Paul's narrative locates natural law: it appears bound and

captive. Many read the *Summa's* natural law as strong and able. But the *Summa* refers it to a Pauline context, and Aquinas's commentary on that passage narrates the eclipse of natural law. What is the story that makes that difference?

Natural Law in the Commentary on Romans 1

Chapter 1 of the *Commentary on Romans* tells among other things how injustice and ingratitude reduced the character of natural law – like nature itself – from strength to weakness and left it needing mercy. In short, the story remains theological in root and branch, a story showing more in common with the parables of the Good Samaritan or the Prodigal Son than with Aristotle's *Metaphysics*. Despite the presence in the *Commentary on Romans* of elegant distinctions and arguments for the proposition “God exists,” philosophical rubrics do not control there (Rogers 1995: chs. 4–6). Admirers and detractors of Aquinas who regard him as making Paul “a religious interpreter of the human situation as such, a Christian student of the philosophy of religion,” will both be surprised (Barth 24 uses the phrase with sarcasm; Rogers 1995: ch. 3). In Aquinas's *Commentary on Romans*, Paul is a “vessel of election,” an apostle (cf. Pesch 1974). Accordingly, Aquinas announced the topic of the entire epistle as *gratia Christi secundum se*, the grace of Christ considered in itself (*In Rom.*, prol., §11). Aquinas characterized the whole epistle from 1:16b to 12:1 as “show[ing] forth the power of gospel grace” (*virtutem evangelicae gratiae*, *In Rom.* 1:16b, §97). His *Commentary* reveals that the purpose of the natural knowledge of God's will or law, as of the natural knowledge of God's existence, is to show forth the power of the gospel grace of Christ. In Aquinas's *Commentary*, natural law does not show the power of the gospel by its straightforward success; rather *natural law demonstrates the power of the gospel by its failure*. Natural law is here a self-consuming artifact (in Stanley Fish's term). It serves not to improve behavior but to increase guilt. Explicating the “Old Law” in his *Commentary on Galatians*, Aquinas deploys the same verse from Romans to claim that failed law “manifests infirmity” and lends the “experience of impotence”:

First [Paul says this] because the law shows sins. Romans 3:20: “By law came the knowledge of sin.” [The *Commentary on Romans*, §297, refers the same verse to the law of nature.] Then because it manifests human infirmity, inasmuch as the human being cannot avoid sin, except by grace, which was not given by law . . . So the law has yielded to grace, inasmuch as it afforded the recognition of sin and the experience of its own impotence [*experientiam propriae impotentiae*]. (In *Gal.* 3:22, §174)

Those are other, less accustomed uses to which Paul, or Aquinas following him, put the language of natural law. According to the *Commentary on Romans*, natural law moves human beings not one step closer to right action unless restored by grace. Only the New Law, the Holy Spirit indwelling in the heart, rectifies nature (In *Rom.* 1:16b, §109 with I-II.106.1 and 109.3–4). To Aquinas it is no paradox: natural law works not by itself but by grace. Against many understandings of nature that would oppose it to supernatural grace, Aquinas’s claim is that natural law does not, in the concrete world of God’s creation, work by nature alone. Even in the garden of Eden the nature of Adam and Eve worked by grace. Aquinas’s view is that God might have created them otherwise, but in fact did not (I.95.1, 100.1; see Chapter 7). Nature can be graced or fallen, but not neutral. Nature ungraced and unfallen is, in Aquinas’s theology, a counterfactual condition. This counterfactual nature may be useful for illuminating the gratuity of grace, but not for deciding cases in court.

In the *Commentary on Romans*, as we saw above, “nature” means “nature reformed by grace.” Aquinas did not imagine natural law operating as a rival or even neutral to grace. He perceived natural law shot through with grace, if it were to operate at all. (On the debates in Aquinas interpretation, their history and merits, Pesch (1985:516–526, 606–719) remains unsurpassed.) Aquinas’s portrayal of fallen natural law as lacking grace, as an awkward and pitiful figure, hangs on a central turn of Paul’s plot: “For the wrath of God is revealed from heaven upon all impiety and unrighteousness of those human beings who detained ‘the Truth of God’ in unrighteousness” (1:18). That turn raises several questions that Aquinas’s *Commentary* attempted to answer about the character here called “the Truth of God,” detained by human beings: In what light does

the revelation of God's wrath show the Truth of God? What was its original character? Does the Truth of God include natural law? How did human beings detain it? How does Aquinas portray the character of natural law under detention? How did its detention affect its human captors?

***In what light does the revelation of God's wrath show
the Truth of God?***

Aquinas glosses the wrath of God as the providential design by which God vindicates the divine purpose and justifies human beings, culminating in the cross and resurrection, by which God brings good rather than vengeance out of evil. Aquinas's explanation leaves room even for Karl Barth's way of putting the matter: that Paul "sees the Gentiles as well as the Jews in the reflected light of that fire of God's wrath which is the fire of [God's] love" (Barth 26). If not, Aquinas has lost sight of his stated purpose to interpret Romans as a treatise whose subject matter is *virtus evangelicae gratiae* (Rom. 1:16b, §97). The narrative of the power of gospel grace – rather than some rival narrative of Aristotelian inquiry or existential development – controls the exposition.

What was its original character?

Having asserted the detention of the Truth of God, Aquinas continues for a few paragraphs without speaking of it as he inserts a set piece on what the effective cognition of God would look like, if the (non-Christian) Gentiles had had it. Anyone enjoying effective use of the cognition of God available to nature has it not by nature alone, but by graced nature, or nature perfected by faith formed in love (e.g., II-II.2.2, esp. *ad* 3). Aquinas depicts the human character of the Truth of God before injustice and ingratitude took it captive. This is a flashback to how natural law by grace used to be and by grace will be again. Although the passage foreshadows a comeback, it reveals natural law as a has-been. It is not, at this point in the plot, a picture of a cause in good working order or a character strong and healthy. Aquinas makes an important

distinction. He follows the rule that the only things human beings in this life can know with *scientia* about God are what they must believe (*In Rom.* 1:19, §114; II-II.9.2). The human adherence in this life to God as the First Truth does not arise from intellectual comprehension of the first principles that could adequate a creaturely structure to a divine reality. Rather the *will*, in *loving* God, moves us to rely on first principles enjoyed not by the finite intellect but by God and the blessed in heaven (I.1.2–3, 8). Aquinas's apophatic strain comes to the fore: "It is to be known with *scientia*, therefore, that one thing about God is entirely unknown [*omnino ignoto*] to the human being in this life, namely what God is" (*In Rom.* 1:19, §114 *in fin.*; I.2.1, 12.13 *ad* 1, 14.1 *ad* 3). Knowing that God is unknown presents a seeming paradox: theology is a science, since it has first principles; but in this life theologians are not yet scientists, since they believe principles seen only by others, God and the blessed in heaven. What human beings know with *scientia* when they lack God's definition is that they lack *scientia* about God. Human beings lack *scientia* about God not only in the sense that they can mount no proof for God's *existence* proceeding deductively from a definition known through itself, uncompromised by inference from God's effects (I.2.1); but also in the sense that they could mount no proof for the contents of God's *will* or eternal law proceeding deductively from definitive principles known through themselves. Both the existence of God and the contents of God's will are therefore known to human beings only inferentially from God's effects in the world (I.12.12 *ad* 2; I.2.1; I-II.93.2 *ad* 1 and 2). Aquinas always minds the gap between knowledge of God by immediate access and by inference from effects.⁴ In considering our natural knowledge of God's existence, he marked it in the *Summa* by rejecting the ontological way (from definition) and licensing the cosmological ways (from effects).⁵ Here in the *Commentary on Romans* he marked it more simply by distinguishing God's essence which remains "entirely unknown to a human being in this life" from "the cognition of the human being, which begins from . . . sensible things" (*In Rom.* 1:19, §114, *in fin.*). Terminologically he marked the gap by rejecting *scientia* about divine things in this life (II-II.9.2) and choosing the weaker word *cognitio* for this-worldly knowledge of God. "The word *scire* is never used in connection with cognitions of God through natural reason" (Preller 32; Rogers

1995:31–39). Sacred doctrine qualifies, in God’s mind, as *scientia*; but its human habit is not *scientia* but faith.

More importantly for present purposes, Aquinas marks the distinction also for natural law: the distinction falls between eternal law to which human beings lack direct access (*in seipso*) and natural law that they learn from the world around them (*in suo effectu*, I-II.93.2). He then quotes our passage from Romans 1: “[T]hose things that are of God cannot indeed be recognized by us in themselves, but they are manifested to us in their effects, according to the famous passage in Rom 1[:20]: ‘The invisible things of God are known from the things that have been made’” (I-II.93.2 *ad* 1). Within the *Commentary on Romans*, Aquinas then rehearsed three ways of natural cognition of God’s existence: the *via causalitatis*, the *via excellentiae*, and the *via negationis* (*In Rom.* 1:19, §115; cf. the Five Ways of I.2.3; for more, see Chapter 7). None of these ways has anything to do with the way in which moderns often imagine they know natural law, by introspection – even when Aquinas describes the natural light of reason as *indita*, or placed in the human being. God might have placed it there, but if so we know it by reasoning from effects, including the effects of God in scripture, which tell us about its failure. Aquinas felt no tension between affirming the existence of natural law and giving examples of arriving at natural knowledge that involve reasoning from sense impressions.

This then is the original character of the Truth of God available to human beings: It is a knowledge of God’s effects known through the senses in the context of grace. Why grace? Because the entire point of the set piece on nature remains “to show forth the power of gospel grace.” If the Truth of God available to human beings by natural reason were available to them by reason without grace, then Aquinas would have undermined rather than fortified his project, incidentally departing from Paul’s plot, which speaks of knowledge only in order to render ignorance culpable: “[Paul] asserts the cognition that they had of God, when he added ‘of those human beings who detained the truth about God,’ that is, the true cognition of God, ‘in injustice,’ as if captive” (*In Rom.* 1:18, §112). Aquinas followed Paul in asserting the existence of knowledge precisely in order to exhibit its captivity. He asserted its existence in order to deny its effectiveness. Furthermore, we have seen that the *Commentary on Romans* glosses *naturaliter* in exactly two ways:

either as reformed by grace, or as moved by grace. Ungraced is not an option for unfallen nature. As Otto Hermann Pesch puts it – a leitmotif in the present book (most fully developed in Chapter 7) – “It is easy to overlook: the justification of the sinner is no ‘new’ dispensation of God’s, but the carrying out of God’s creatorly will over against the rebellious human creature. The dimensions of nature that remain undisturbed are therefore to be conceived of as the effectiveness in advance of the grace that saves” (1985:526). Readers of the *Commentary* have little excuse, therefore, to suppose that the knowledge here described actually functions as knowledge ought, as if it were neutral, perennial, or uninflected by religion. It is a self-consuming artifact in the *Commentary on Romans* that Aquinas may abstract from the context of grace for temporary purposes of analysis. It is never a secular concept.

Does the Truth of God include natural law?

Before giving Aquinas’s answer to this question, I anticipate three possible objections.

- 1 One might object that my account abstracts from creation. Aquinas’s commentaries on the Pauline epistles do say less about creation than the *Summa*. That is because their stated topic is “the grace of Christ” (*In Rom.*, prol., §11); this is especially true for the *Commentary on Romans*, which considers “the power and necessity of grace for the salvation of all human beings” (*In Rom.* 1:18, §109). A superficial answer would say, the epistles simply focus more on redemption, the grace that saves, than many of Aquinas’s other works; on that view, the commentaries on the epistles offer limited perspective on his work as a whole. But a deeper answer would say that in the *Commentary on Romans* God’s redeeming work shows precisely God’s commitment to creation and plan to elevate it. God loves creation by restoring it, vindicating rather than abandoning the divine promise. In that case, even God’s wrath serves the end of doing justice to the creature, a justice that, far from destroying creation, perfects and elevates it (*In Rom.* 1:18, §§109–112). It is God’s will as Creator that saving grace carries out.

- 2 One might also object that my interpretation undermines natural law, and that no account that undermines natural law (desirable or not) can really accord with Aquinas. On the contrary. The language of natural law is one to which the wise (as Aristotle called them) or the *maiores in fide* (as Aquinas called them) may always resort. Nothing here disputes Aquinas's claim that any human act against right reason is also objectively against the law of the nature of the human being, known particularly by God as a collection of singulars and in abbreviated form by participant human reason as a collection of generalizations (I.14.11 versus I.86.1). It is hard to imagine cases in which the virtuous judgments of the wise would not be able to be stated in the language of natural law. But it is easy to imagine cases in which the virtuous judgments of the wise would not be effective or persuasive in the language of natural law. (So far Bowlin 1999:93–137 and in conversation.) Aquinas knew of such a case and rehearsed its surprising story in following Paul in Romans 1. Aquinas might also have used the language of natural law to explicate the loss of virtue, but he did not, because Paul told the story differently, as one in which the wrath of God is revealed in virtue language, “against injustice,” and the language of natural law has been gagged (*ligatur*).
- 3 Finally one might object that since Aquinas's earlier examples all concern natural cognition of God's *existence*, natural law is not after all in question in the *Commentary on Romans*. But later references to natural law, signally at 2:14, 3:20, and 11:26, undo that conjecture – as does the answer to our next question.

Is natural law an alias of the Truth of God, or a different character altogether?

The surrounding context indicates that God's existence does not exhaust what Aquinas had in mind under natural cognition of God. When humans participate in God's will or eternal law by observing human nature that also counts as natural cognition of God. The *Commentary on Romans* does not distinguish between but assimilates speculative and practical reasoning. The usual distinction, relative and penultimate in any case, does not appear. Aquinas followed

Paul in moving back and forth between them without remark. Elsewhere he does remark, distinguishing and comparing for various purposes (I-II.57.2; II-II.47.6): “the natural ends of a human life . . . dispose themselves in things to be done as principles naturally known in speculative matters” (II-II.56.1), although not to set up the natural as an end in itself. Programmatically, that is, he distinguishes in order to unite. The human being as created with grace (I.95.1, 100.1) has one, integral end, life with God (I-II.1.5, 2.8). That natural law is an alias of the Truth of God appears in two moves Aquinas makes in the immediate context, one before and one after the passage on the three ways (§115). Parallel to the Five Ways of the *Summa*, the three ways that God can be known of the *Commentary on Romans* even more clearly respond to Paul: they do not get the human being to God, but prove human guilt, *obnoxiae culpa impietatis et iniustitiae* (§123). Before that passage Aquinas finds Paul’s concern with a natural knowledge of God not primarily speculative but moral; he says the passage appears “because certain philosophers were saying that the penalties of sinners did not come from God” (*In Rom.* 1:18, §110). The famous “fool” of the Psalms, “who says in his heart, ‘There is no God,’” is no speculator but a cheat or libertine who hopes “there is no God” to watch. After the passage on the three ways, Aquinas can return to the list of vices at Romans 1:26 without a break, because he has never changed the subject. The ignorance in question has to do no less with God’s design than with God’s existence, no less with natural law than with natural theology. On natural law as well, ignorance follows from injustice. Otherwise the ignorance is not culpable.

What happened to natural law?

“The Gentiles detained the truth about God in unrighteousness in two ways: first in impiety, sin committed against God, ingratitude indicated in refusal to pay God proper cult; and second, in injustice proper, sin against other human beings” (§111). The result of that injustice is that the Gentiles held their knowledge captive, so that it could not form their souls as Aristotelian cognition should. This is the heart of Aquinas’s teaching about natural human knowledge of God, whether about God’s existence or God’s will. It does

not succeed except by grace. It is feckless without the Spirit. If Aquinas moderates the language of *The Letter and the Spirit*, the pattern is the same. Human beings have culpably held nature in captivity by their lack of justice. Aquinas could not but constrain it to prove a Pauline thesis: “that the power of gospel grace was necessary for the salvation of the Gentiles, since the wisdom in which they had been confiding was not able to save them” (§109). The Gentiles detain Truth or hold it captive in a precise sense: it fails to do what true knowledge of God is supposed to do, lead human beings toward the good: “For the true cognition of God, insofar as lies in itself, leads human beings to the good. But it is bound, as if held in captivity, by the affect of injustice, by which, as Psalm 11[12]:1 has it, ‘truths are diminished by the children of human beings’” (§112). If the ancient philosophers so detained the truth (§122), why not their modern counterparts?

In Aquinas’s words, these Pauline moves abbreviate a whole moral psychology. In the *Summa*, one needs the intellectual virtue of prudence to reach the right conclusions from sense impressions; prudence in turn is formed in Aquinas’s Christian system by justice and finally the grace of charity. This generalization, though sweeping, should be uncontroversial. Skill about things to be made does not need moral virtue, but use does: “In order that one may make good use of art, one needs a good will, which is perfected by moral virtue” (I-II.57.3 *ad* 2; Nelson, chs. 2–3; applied to interpreters of scripture in Chapter 4). Here Aquinas translates that into Pauline language. We have already noted Aquinas’s insistence that it takes grace to move the human affect; here he identifies the affect in need of grace as injustice. Virtue must accompany effective cognition of God, and injustice breeds culpable ignorance. (I do not say “virtue *pre*conditions effective cognition of God,” which would contradict Aquinas’s doctrine of grace.) First Aquinas insists explicitly on the matter of culpable ignorance. “But when one’s ignorance is caused by fault, one cannot by ignorance excuse subsequent fault” (*In Rom.* 1:20b, §124). Injustice leads to culpable ignorance, which leads to more, still culpable, injustice. Then Aquinas confirms that the ignorance in question is ineffective knowledge, of which human beings no longer have the use. “Those having cognition of God no longer used it for good” (*In Rom.* 1:21, §127). And that for two reasons: they

subtracted from God's power and knowledge and they refused to give thanks for it, ascribing it to themselves: For they recognized God in two ways. In one way as the super-eminent of all, and so they owed God the glory and honor that is owed to the most excellent things. They are therefore called inexcusable . . . either because they did not pay God the due cult, or because they imposed an end to God's power and knowledge, subtracting somewhat from God's power and knowledge. Second, they recognized God as the cause of all good things. Therefore thanksgiving was owing to God in all things, which they were not, however, intending; but rather they were ascribing their good things to their own ingenuity and virtue. (*In Rom.* 1:21, §127)

In Aquinas's reading of the Romans narrative, the original sins subtract and insult. They are not the fall of Adam, but another decline "at the time of Abraham." In failing to pay to God due cult, the Gentiles landed in idolatry. In imposing an end to God's power and knowledge, they imagined, as we have seen Aquinas explain (*In Rom.* 1:18, §§111–112), that God would either fail to see their injustice or prove unable to punish it. In ascribing their good to themselves they showed ingratitude, or, as a later passage has it, a lack of fiducial faith. "They became empty 'in their own thoughts' in so far as they had *fiduciam* in themselves, and not in God, ascribing their good things to themselves and not to God" (*In Rom.* 1:21, §129). (This could actually describe a secular natural law that "subtracts" Aquinas's emphasis on God's prudence.) From these original sins comes ignorance: "Next [Paul] asserts the subsequent ignorance, saying 'and [their heart] was darkened'; that is, because it was darkened, 'their heart' was made 'foolish,' that is, deprived of the light of wisdom by which the human being recognizes God truly" (*vere Deum cognoscit*, *In Rom.* 1:21, §130). The pattern is complete. Impiety leads more or less automatically to idolatry: the Gentiles came to mistake who God was (*In Rom.* 1:23, §§132–136). Injustice and ingratitude have now led them to culpable failure to use the light of wisdom by which a human being truly recognizes God or enjoys the *vera Dei cognitio* that "leads human beings to the good." Since the due knowledge of God is of God's eternal plan for their good, in which human participation is natural law, we may summarize: They lacked the effectiveness of

natural law. Aquinas himself put it more strongly in *De duobus praeceptis caritatis*: “The law of nature had already been destroyed [*lex naturae . . . destructa erat*].”⁶ What happened to natural law? It was held captive⁷ or, Aquinas was not afraid to say, destroyed. Why do ethicists and moral theologians so blithely appeal to it, if it has been destroyed and is resurrected only in the presence of saving grace? Why not rather appeal to the New Law, the Holy Spirit working in the heart, which alone restores it?

How does Aquinas portray natural law under detention?

Part of the answer has to do with Aquinas’s description of captive natural law. Aquinas exploited metaphors of subtraction in two directions. On the one hand, natural cognition has had its effectiveness taken away, so that it counts as ignorance. On the other hand, since by grace it used to be effective knowledge, it can become effective again. So the *Summa* permits knowledge of truth without grace (II-I.109.1), but requires grace for every other movement of the soul, to locate sin in the will. This is no praise of natural knowledge: this is denial of its effectiveness. It is a fruitless knowledge.

The *Commentary on Romans* makes the same move with a different form of cognition, that of unformed faith. The parallel is instructive. Unformed faith is ineffective, but it continues to be called “faith.” Why? Because should God revive it, it is the “identical” habit revived, and not another one (*idem numero*, *In Rom.* 1:17, §107). The two versions of faith do enjoy continuity. Only they enjoy it in virtue not of the human creature, but of God’s action. Unjust knowledge is like unformed faith: a gift of God, it means that God, in withdrawing grace in punishment for sin, need not at the same time withdraw the assent of the understanding. The sinner continues to enjoy it by God’s mercy. It does not mean that God first gave a feckless knowledge to the helpless creature and then the justice to form it as an afterthought. Unjust knowledge shows a decline from the original justice of nature granted it by grace, not an ascent by unaided nature to justice before God (so Pesch on unformed faith, 1985:735–737). Thus natural knowledge is defective cognition that Aquinas continues to call cognition by a sort of

courtesy to what it had been and might again be, not because he accepts its illusions of grandeur. God's courtesy is itself grace. Such "cognition," so called by courtesy, may be assimilated into faith. For faith involves a taking up, or christological assumption, of nature into grace, of the light of reason into the light of the Spirit, as the Word assumes flesh. Thus Aquinas appropriated natural law to the Second Person of the Trinity (I-II.93.1 *ad* 2; *In Rom.* 1:20a, §122 with 1:19, §115). That is part of the reason why some retain a higher opinion of natural law than the narrative of the *Commentary on Romans* commends. But the courtesy, in the *Commentary on Romans* as in the *Summa*, does not last long.

How did its detention affect its human captors?

The narrative goes on to depict an effect not of the good that natural knowledge might do, but of the evil that corresponds to culpable ignorance. I quote first according to the Vulgate version of Romans 1 as Aquinas knew it:

(20) Therefore they are without excuse. (21) For, although they knew God, they did not so glorify God or offer thanks, but emptied themselves in their own thoughts, and their foolish heart was darkened. (22) For calling themselves wise, they were made stupid. (23) And they exchanged the glory of the incorruptible God for a likeness of the image of the corruptible human being and of birds and of beasts and of serpents.

Aquinas makes certain sins characteristic of what we may call *cognitio detenta* or "detained knowledge" by arguments *ex convenientia* or from appropriateness (rather than from necessity). He finds it appropriate that the Gentiles can no longer rely on their God-given nature when God punishes them for their idolatry with corresponding sins: "Then when [Paul] says 'For that reason God gave them up,' he asserted a penalty corresponding to such faults" (*In Rom.* 1:24, §137). The fault (the instance of culpable ignorance) is natural theology; the penalty, sins against nature.

Given later usage, it may come as a surprise that *theologia naturalis* is a term of disapproval also for Aquinas, as it was for Augustine

and would be for Barth. It denoted a sort of Gentile theology, one of three, “which the philosophers practiced in the world” (*In Rom.* 1:25, §142). Secular versions of natural law may resemble this “worldly” philosophy more than Aquinas’s own. Both natural theology and sins against nature exhibit culpable ignorance; the first fails to give God the due gratitude of worship, while the second fails to give God the due service of justice. Aquinas described the sin of impiety, accounted for in terms of virtue and the lack thereof, now for the first time in terms of nature, in order to render Paul’s move. “The fault of impiety having been set forth, according to which [the Gentiles] sinned against the divine nature, [Paul] sets forth the penalty, by which namely they were reduced to this, that they should sin against their own nature” (*In Rom.* 1:20a, §122; Rogers 1995:154–156). Note the reversal: For Aquinas, natural lawyers, if they proceed secularly, resemble the sexuality they tend to deplore.

This is formally an argument *ex convenientia* or from fittingness (see Chapter 4). I say “formally” because Aquinas has not yet explained in what a sin against human nature might consist. Here it is simply a matter of coordinating one nature with another. To be sure, that is just what an argument *ex convenientia* does, coordinate concepts. Here nature-language does not formally assign praise and blame. That belongs, analytically, to the virtues. Rather it serves to explain: it connects views about God to views about human beings, cosmology to ethics. (So, a Catholic anthropologist argues, concepts of nature always function, Douglas 45–54.) The appeal to nature-language, it may be noted, serves a primarily *theological* purpose. It serves first to mark a correspondence between God and creatures, and only second to explain how a lack of creaturely virtue harms the creature or counts as vice. It is an odd correspondence for Aquinas, since he ordinarily issued sharp disclaimers (as he did in the case of human ignorance of God’s essence) about how God and creatures cannot share the same class:

God is not like material things, either according to natural genus or according to logical genus, for God is not in any general class . . . Thus, through the similitudes of material things something affirmative may be known of [immaterial] angels according to a common [logical] ratio, even if not by virtue of a specific [material] ratio: but

in no way is that possible with God [*de Deo non nullo*]. (I.88.2 *ad* 4 in Preller 91)

The correspondence between God and creatures is doubly odd when the term of the correspondence is “nature,” since “nature” is a specification of “the essence of a thing considered as the source of its operation” (Preller 123 on *De ente et essentia*). On Aquinas’s own terms, this use of “nature” must be highly analogous, or, to express it as an oxymoron, an appropriate equivocation (Preller 243). One may state the ground of the analogy thus: “nature” explains how God operates creatures as their provident ruler, in the way most proper or essential to them. Aquinas reads Isaiah 26:12, “You have worked all our works in us, Lord” to proof-text that analogous way of talking (I.8.1*sc*).

In short, in the *Commentary on Romans*, Aquinas followed Paul to make knowledge depend upon justice. Under conditions of injustice, human knowledge fails so badly that Aquinas called it ignorance. That may come as a surprising conclusion, not, indeed, as a reading of Paul, but as a reading of Aquinas. For it shows that Aquinas had ample structural room for some of the claims of liberation theologians, namely that injustice can hinder right knowledge of God. The question then is: What does justice require? To that question our present age may reach quite different conclusions than Aquinas and different interpretations of Paul.

Only the intervention of God’s own humanity in Christ can restore the lost knowledge as the Holy Spirit writes the New Law on the heart. Aquinas alluded to the lack and its restoration when he said the Gentiles were “lacking in the third sign, that is, in the Holy Spirit” (*In Rom.* 1:20a, §122), a trinitarian way of pointing out natural law’s ineffectiveness. The intervention of God’s saving humanity is also variously appropriate, or *conveniens*. First, Aquinas appropriates natural law to the Second Person of the Trinity (*In Rom.* 1:20a, §122; I-II.93.1 *ad* 2). More important, since the root problem lies in the will, or heart, which Aquinas here called the *affectum*, the solution must lie there as well.

To reprise the story I add nuances from the *Summa* about how God governs the world with the prudence of a ruler (I-II.90.1 *ad* 2, 3–4; 91.1).⁸ The deliverances of God’s prudence in singular cases make up the eternal law, in which, since God’s knowledge is causa-

tive (I.14.8), natural law is an ontic as well as a psychological participation, or in the realm of cases, an abridgment (Bowlin's word to describe I-II.91.1–2). In the narrative of the *Commentary on Romans* Aquinas tells a story in which God allows the causation of natural law, or God's providential movement of the Gentile heart, to fail. God's providential rule could afford the failure for reasons explained only in the story of Christ (III.1.2–3, esp. 3 *ad* 3, quoting Rom. 5:20). It failed because the Gentiles had imposed the obstacles of injustice and ingratitude, which affected them by "subtracting somewhat from God's power and knowledge." In the *Summa*, and in the frame narrative of the *Commentary on Romans*, the obstacle is removed and the causation of natural law restored by operating grace. Both the imposition and the removal of obstacles take place in the will, which, in Augustinian fashion, remains free even to ignore the directions of the intellect. The will is the space in which both the creature rebels and God redeems.

Natural Law and Natural Knowledge of God in Parallel

Natural lawyers assume that the natural law parallels natural knowledge of God's existence. The parallel holds also on my reading. (For more on the natural knowledge of God's existence, see Chapter 7 and Rogers 1995.) The natural law as humanity's rational participation in eternal law matches natural knowledge of God as our rational participation in divine truth. Aquinas encouraged the comparison when he yoked together "truths about God and about living in society" as proper to the nature of reason (I-II.94.2c, para. 3). But the parallel tends to go unexploited. What does it suggest that the *Commentary on Romans* holds together what the *Summa* distinguishes? By way of response and conclusion, let me summarize the parallelism in eight theses. (Rogers 1997:146–156 offers similar theses on merit and hope.)

- 1 Just as the article on the knowledge of God's existence (I.2.2 *ad* 2) validates and explicates Romans 1:20 in terms of the Five Ways, so the article on the knowledge of God's eternal will does the same in terms of natural law (I-II.93.2 *ad* 1). Aquinas

repeated the distinction, that first appeared before the Five Ways, between knowledge of essence that he insisted lies beyond us, and the knowledge from effects that Romans 1:20 again served to warrant. Natural law provides a second, parallel, perhaps closer elaboration of how God is known (as it happens, ineffectively) from the things God has made.

- 2 Just as the Five Ways as “extrinsic and probable arguments” (I.1.8; see Deman) appeal not to what no one could conceivably dispute but to what no one disputes in practice, each one ending with a variation on “which all people call ‘God’” (I.2.3), so too natural law appeals not directly to the eternal law beyond our grasp but to what “is the same for most people” (I-II.94.4). More clearly but no differently Aquinas in practical as in speculative theology distinguishes the objective (the eternal law, the argument from definition) from the intersubjective (the natural law, the argument from probability). His purpose in doing so here as there was not to impugn but to increase the usefulness of the natural law, not to undermine the natural law by contrast to something more objective, but to license appeal to what most people agree on by contrast to that to which we lack access. The category of eternal law, like the missing definition of God, serves not to give us something better than shared beliefs on which to start our arguments but to name the absence of anything better. Here as there a distinction between the objective and the intersubjective protects the apophatic strain in Aquinas and identifies our ignorance. In ethics Aquinas followed Aristotle’s attention to what is true generally and for the most part (I-II.94.4). In probable argument he followed Aristotle’s attention to those truths useful to rhetoric because agreed upon. Neither helps much if an opponent dissents (I.1.8), or when dispute about what nature requires becomes widespread. We can answer objections and appeal to context without however going beyond probable argument or ethical mores. We can observe as a last resort that someone refusing to call the prime mover God or murder unnatural is using the words differently. Natural law, like the Ways’ linguistic end, marks the place where reason giving comes to a penultimate stop. Natural law, like “what we call God,” names our consensus; eternal law, like God *in se*, names our earthly ignorance and our hope of glory.

- 3 Just as the natural knowledge of God's existence involves reasoning from sense impressions of God's effects, so too does the natural knowledge of God's law (I.2.1, parallel to I-II.93.2). We have no more *unmediated* access to the law God's prudence has established for us than the law God has established for rocks. For the intellectual soul does not know itself by its own essence, but by its act, that is, its effects. "[A]s in this life our intellect has material and sensible things for its proper natural object . . . it understands itself according as it is made actual by the species abstracted from sensible things" (I.87.1, *in med.*) We cannot see the eternal law until we can see God. That would be to confuse the discursive knowledge characteristic of human beings with the intuition proper to God (I.85.5; I.14.7). Until then we can observe only its effects (I.88.3). Similarly we cannot know the natural law for ourselves without observation until in the next life we can see ourselves in God.
- 4 Just as the Five Ways provide less new knowledge of God than many would like to think, so too the natural law provides us with less knowledge of right and wrong than we might like to think. Just as our knowledge of preambles comes through the senses but is not guaranteed by the senses and we may therefore "blink at the most evident things like bats in the sunshine" (I.1.5 *ad* 1), so too our knowledge of right and wrong may come through our reason but not because of it, and thus it makes sense for Aquinas to write that "the Germans did not consider robbery wicked, though it is expressly against natural law" (I-II.94.4). A natural law that depending on context can fail to exclude robbery proves about as effective as a natural knowledge of God that can depending on context add to or detract from the merit of believing (II-II.2.10).
- 5 Just as the natural external world motivates the speculative reason to inquiry, so too natural law is natural because our nature, externally observed and internally considered, motivates the practical reason. And, as the natural external world does not predetermine the deliverances of natural science, so too the nature that human beings share with animals does not predetermine the deliverances of practical reason. Rather in both cases the same motive cause – a nature, whether internal or external to the human being, that provides impetus for

reflection – leads to an inquiry that proceeds largely by dispute. As we saw in Chapter 4, “‘Natural law’ helps explain why there is a good deal of transcultural ethical commonality, but our knowledge of it is of such a character that it cannot serve as a foundation for setting disputes apodictically” (as George Lindbeck once restated my point). To be sure, reference to transcultural agreement is not merely linguistic; it does not render Aquinas a nominalist. Natural law does have a connection in Aquinas to a nature other than overlapping convention, if not to nature as usually conceptualized. The connection is not, however, to a nature from which human beings could read off rules. Rather, natural demands shared with animals, such as hunger, thirst, shelter, and sexuality, raise questions for human beings to answer by habituated or discursive reason that in animals would be answered by instinct. Reason has invented (*adinvenierunt*) and habituated surprising answers (I-II.94.3), from viniculture (I-II.109.2) to monasticism. Aquinas spoke here not of the sources of knowledge, but of the causes of inquiry – the causes of the Aristotelian desire to understand, which is, as it were, the human instinct. So nature-talk serves the distinguishing of (final and formal) causes, but the material content emerges under the direction of the virtues (so also Nelson 99–100, 120–121). That’s another reason (besides Paul) why the *Commentary on Romans* preoccupies itself with the way natural law relates to the virtues, signally justice and gratitude.

- 6 As the Five Ways make God’s “claim on the world” as its creator (DiNoia 130), so natural law makes God’s claim on the world as its ruler. In the case of the Five Ways we have to supply the reasoning because Aquinas was working from below: “Granted that we regard God as creator, exemplar, and end, then it makes sense to relate God to world as cause in these Five Ways.” In this case Aquinas, now working from above, supplies it: “Granted that the world is ruled by divine Providence . . . it is evident that the whole community of the universe is governed by God’s mind . . . [I]t follows that this law should be called eternal” (I-II.91.1).
- 7 If exhibiting the providence of God through natural law reflects deep, sometimes submerged, theological interests and purposes, they surface in Aquinas’s christology. Just as, in the *Commentary*

on *Romans*, Aquinas assigned all reasoning from effect to cause to Christ as the power of God, so too in the *Summa* the eternal law and hence the natural law under it “is specially attributed to the Son on account of the close agreement exemplar has with word” (I-II.93.1 *ad* 2). The natural knowledge of God and the natural law belong to christology because they can serve the human creatures’ *reditus in Deum*, their return home. This became especially clear in the *Commentary on Romans* because the natural law appears as a character in a drama about the “gospel grace of Christ.”

- 8 In the *Summa* too Aquinas leaves room for the Pauline pattern in which natural law, like the natural knowledge of God, serves first of all to increase guilt in the faithless. Aquinas insists that natural law without the supernatural infusion of charity, like the natural knowledge of God without the supernatural infusion of faith, falls short of any effectiveness for salvation. Of course, the Holy Spirit remains free to infuse charity or faith before making it explicit (II-II.5.4). As Preller writes,

We cannot, then, *know* that we have truly informed faith – that there is in our “souls” that intentional image of God which conforms us to [God]. There is no more in the conscious mind of the true believer than *may* be present in the conscious mind of the nonbeliever . . . it is quite possible that God . . . has “seized” the will and affections of [human beings] who for one reason or another do not assert the truth of the propositions of faith. (265)

Notes

- 1 This chapter first appeared as Rogers 1998. Another version appeared to a different purpose in another book in this series (Rogers 1999:91–126). Porter (173–177, to which Joseph Naron drew my attention) thinks my account goes too far. I see her qualifications from a different perspective. In Aquinas, the successes of natural law do not build from an ungraced nature up, like the tower of Babel. They come from the Holy Spirit down, like Pentecost. This descending perspective controls where (following a wide variety of Catholic theologians including Pesch, Corbin, Preller, Rahner, and Balthasar) even the persistence of nature’s powers is never purely natural, but first God’s grace already at creation (I.95.1; I.100.1) and then God’s mercy in sustaining God’s

intention to anticipate salvation even in the face of sin. Because the *Summa* unifies the human end in God alone, Aquinas demotes pure nature to a might-have-been. In this discussion, Porter swerves away from Aquinas just where he follows Paul and Augustine, to keep him among more pedestrian scholastics (176–177). The *Commentary on Romans* makes clear that nature either enjoys or requires grace to work properly, Romans 2:14, where nature means either “nature reformed by grace” or nature in need of grace (see also Chapter 7 in this book). In the *Summa*, *natura* means graced nature unless modified (*natura sua*, Chapter 8).

- 2 A similar pattern appears in *De malo* 16.6.12: *Homo vulneretur per peccatum in naturalibus. Sed illud reformat in homine gratia quod per peccatum vulneratur*, “The human being is wounded by sin in natural qualities. But grace reforms that which is wounded by sin.”
- 3 I-II.93.2 *ad* 2; see I.12.12*sc* and I.2.2*sc*. Besides those, other quotations of Romans 1:20 appear in the *Summa*, most of them important. I give Aquinas’s own interpretation of Romans 1:20 in parentheses, even when the quotation appears in an objection: I.13.5 (names may be used of God and creatures by analogy); I.32.1, obj. 1 (natural reason may and may not claim to know the Trinity); I.56.3 (human knowledge of God is unlike the angels’); I.65.1 *ad* 3 (creatures do and do not lead to God); I.79.9 (human beings discover truth by temporal things); I.84.5, obj. 2 (truth is known through eternal types); I.88.3 (God is not the first object of knowledge); I-II.111.4 (*scientia* of human things is necessary to the teacher); II-II.2.3 obj. 3 (in faith a human being assents to the truth on account of a right will); II-II.27.3 obj. 2 (after being known by faith, divine things are not recognized by created things, but through God’s own self); II-II.34.1 (God can be hated as author of created effects by a depraved will); II-II.81.7 (the human mind needs to be united to God by the assimilation (*manuductione*) of sensible things); II-II.175.1 *ad* 1 (as an abstraction from sensible effects, rapture is not natural to the human being); II-II.180.4 (the contemplative life includes the contemplation of created things); III.1.1*sc* (of the greatest importance: Romans 1:20 warrants the fittingness of the incarnation, which also shows that the “invisible things of God” are theological rather than philosophical, as II-II.81.7 necessitates); III.60.2, obj. 1 (sensible creatures may indicate something sacred without being sanctifying). See also the one quotation of Romans 1:18 at II-II.45.4, obj. 2 (the wisdom gained by study is compatible with mortal sin, but not the wisdom of the Holy Spirit).
- 4 Burrell calls this gap “the distinction.” Preller finds the gap occurs between divine science and the science of God; Rogers (1995) between the theology that belongs to sacred doctrine and the theology that belongs to metaphysics; Chapter 4 in this book between technical hermeneutics and the interpreter’s infused virtues; and Rogers (1997) between the (conjectural) knowledge of merit and the (unavailable) knowledge whether one is in a state of grace.

- 5 Technically, he rejected a demonstration *per causam* or *propter quid*, since human minds lack a definition for God (or the intellectual correlate of a cause for God), in favor of a demonstration *per effectum* or *quia*; see Preller 81–91.
- 6 The context is the more familiar decline narrative of Genesis, which Aquinas referred to Romans 7:23–24: “But even though God had given the human being this law, namely of nature, nevertheless the devil overseeded the human being with another law, namely that of concupiscence . . . and this is what the Apostle says in Romans. 7:23: ‘I see another law in my members, opposing the law of my mind.’ . . . Since therefore the law of nature had been destroyed by the law of concupiscence, it was necessary that human beings be redirected [by grace] to the works of virtue, and drawn away again from their vices” (*In praec.*, prol.). I owe the reference to Russell Hittinger.
- 7 Aquinas repeats the reference to the law of nature as captive at Romans 7:23: *legi naturali, quae dicitur lex mentis quia naturaliter menti indita est . . . Secundus effectus* [of sin] *est quod hominem in servitutem redigit. Et quantum ad hoc subdit “et captivitatem me.”*
- 8 For an elegant account, owing a similar debt to Preller, of natural law as the work of God’s rulerly prudence, see Bowlin 1999, esp. part 2 of ch. 3 entitled “Natural law and moral diversity.”

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How the Narrative Sexualizes Nature's Decline

A telling example: loving, committed same-sex relationships expose divisions both among the courts and among Thomists. Natural lawyers may find those relationships unnatural; virtue ethicists may find them commendable. With no such term as “heterosexuality” for contrast, Aquinas’s Commentary on Romans follows Paul to regard same-sex intercourse as a sin of excess, not reversal. Unlike the fall of Adam, this decline marks an ethnic other. Aquinas’s account dates to the time of Abraham an episode in which God visits the Gentiles with homosexuality as a punishment for idolatry. This kind of reasoning would embarrass secular courts.¹

Marriage-like same-sex relationships expose a division between ethicists following Aquinas. Those emphasizing natural law may call such relationships unnatural; those emphasizing the virtues may approve of relationships fostering love and justice. Natural law, the virtues, and same-sex sexuality all show up in Aquinas’s *Commentary on Romans*, recently translated and hardly cited. Romans 1:18 opens a discussion of justice. Verse 20 provides Aquinas’s chief warrant for natural law. Verse 26 applies virtue and law to “the vice against nature.” But Aquinas’s account also depends on Paul as an exemplar of virtue and on Aquinas’s high regard for the Bible. Aquinas deploys natural law as a mode of biblical exegesis, not its rival. In the *De potentia*, Aquinas considers how to proceed when nature and

scripture seem to conflict. The account does not settle, but rather makes more room for, dispute.

What new can we possibly say about Aquinas's treatment of what we would now call same-sex sexual acts? Aquinas considers same-sex relations to be a vice against nature and says so plainly. However, the very plainness of the substantive assessment has obscured the interest and complexity of the logic by which he arrives at it. Too often modern readers assume that his logic is theirs – and it is that assumption that I mean to challenge in this chapter.

Here I am interested in how Aquinas relates virtue and law in his commentaries. I hope to help the odd contemporary situation in which his work provides the warrant and context for two ethical approaches that often oppose each other: natural law ethics and virtue ethics. The contribution of Aquinas dominates the discussion of a natural moral law. Even Protestant, Jewish, and nontheistic accounts cite him (Westberg; Novak 1996, 1992; Stout). At the same time, Aquinas bestrides an Anglo-American resurgence in virtue ethics. Until quite recently, modern scholars read Aquinas's treatises on natural law and on the virtues as if they were separate books by namesake authors, an approach that has hardened the real or apparent tensions in the source. Yet recent studies focusing on Aquinas's virtue theory have made it harder to regard his account of the natural law as a set of rules or a moral calculus for demonstrating right and wrong. While more "balanced" representations of Aquinas that undertake to honor "both strands" of his thought are certainly preferable to one-sided representations that shear away one or the other dimension of his moral theology, there is still something fundamentally anachronistic about casting the recovery in tensions to resolve. As ethical reflection developed over the intervening centuries, law and virtue fractured into separate systematic approaches, but Aquinas did not separate them, and we must take care not to read a familiar modern opposition back into texts that never knew it. This chapter, therefore, restores a sense of how Aquinas alloyed elements that we distinguish.

What Aquinas called "the vice against nature" makes a good test case for this metaethical inquiry for a number of reasons:

- 1 The moral evaluation of same-sex sexual relations continues to generate considerable debate within the larger Christian and

Jewish communities and remains a subject on which ethicists argue both from and against the writings of Aquinas.

- 2 The two moral approaches that emerge from the work of Aquinas tend to reach different conclusions about marriage-like same-sex relationships; for that reason, rival approaches claim the authority of Aquinas for opposed moral judgments. Natural-law theorists frequently argue that such practices are unnatural and therefore immoral;² virtue theorists, on the other hand, tend to evaluate lesbian and gay practices more positively in marriage-like situations as integral to relationships in which the partners practice such virtues as fidelity, love, and justice (Farley; Sullivan 1995; Williams 1993, 2002; Hauerwas; McCarthy).
- 3 Finally, the passage where the *Summa theologiae* condemns same-sex intercourse fuses law and virtue to both control Aquinas's moral argument and elude the modern reader, calling it the *vice* against *nature*. Only a wider understanding of Aquinas can bring it clearly into view. To do that I set the passage from the *Summa* against the background of Aquinas's commentary on Paul's letter to the Romans.

Improving the Standard Account

Customary treatments of Aquinas's negative moral judgment on same-sex relations exhibit a number of deficiencies that not only oversimplify his pronouncement but also distort other aspects of Aquinas's moral thought.

Rejoining what time has put asunder

Four lines of argument that moderns tend to differentiate converge seamlessly in Aquinas. In his view, "the vice against nature" at one and the same time

- punishes and continues the vices of injustice and ingratitude,
- violates natural law,
- contravenes the word of Scripture, and
- overturns the judgments of the wise (the *maiores in fide*).

Each point implicates the others. According to Aquinas, virtue and vice are discerned by the wise, according to their interpretation of nature, in a community formed by scripture. The scripture that forms the community must be interpreted by virtuous and wise interpreters. Natural law, too, although objective in the mind of God as eternal law, must be applied by the virtuous, who correct themselves by the scriptures. I stipulate “the wise” (the *maiores in fide*) to rule out “the self-interested” on either side whose arguments might appear to others as neither formed by charity nor motivated by the good of the believing community.

Modern Christians, in contrast, are quite accustomed to think that the judgments of the wise might be at variance with specific scriptural precepts or that virtue ethics might lead to moral assessments that differ from those produced by natural-law reasoning. Even those ethicists who wish to honor all four elements ordinarily manage only two. So they honor Aquinas as a natural-law theologian, and try to show how his discussion of virtue is compatible with that, yet consider disputes among the wise as signs merely of ignorance or sin rather than possible movements of the Spirit requiring discernment. Or they treat Aquinas as a virtue theorist and try to arrange his treatment of natural law under, say, the virtue of justice or prudence, while they ignore his commentaries on scripture. In either case they confidently but too narrowly represent themselves as working in continuity with Aquinas.

An ethics true to Aquinas must bring these four elements together again: what counts as justice, what counts as natural, what counts as the meaning of Scripture, and who counts as wise.

Aquinas recapitulates the public dispute of questions in the format of both his systematic and biblical works, because he allows for and insists on the possibility of error. Thus, in the very first question of the *Summa theologiae*, he proclaims: “The truth of God, as investigated by reason [such as natural law], proceeds among a few, over a long time, and with the admixture of many errors” (I.1.1). Aquinas may often make qualifications, but he does not make them lightly, and here he invokes three: those who make progress are few; the time is long; the errors are many. We blink at the most evident things like bats in the sunshine (I.1.5 *ad* 1). Aquinas insists on the presence of mistakes in what counts as virtue (the point of *gnome*, I-II.57.6, esp. *ad* 2), in what counts as natural law (I-II.94.4),

and in the interpretation of scripture (I.46.2; cf. I.14.13 and 57.3; I-II.112.5; and II-II.1.3 *ad* 3). The virtues, the natural law, and the scriptures, none of them, singly or together, can eliminate all moral disagreement this side of heaven. If that were possible, human beings would be parties to the knowledge that God enjoys. *For theological reasons* Aquinas must allow for the frailty of human learning, from the few and over a long period and with an admixture of error (MacIntyre 1988:361–365).

Because today certain communities of Christians consistently represent themselves as subordinating all other moral authorities to that of scripture, while other Christian communities seem to have taken the opposite tack of accepting from scripture only what conforms with moral judgments arrived at on other grounds, it is tempting to think that Aquinas is able to treat the authority of scripture as parallel with the other three elements simply because the literal sense of scripture is less problematic for him than for us – tempting, but mistaken. Aquinas is perfectly aware of the difficulty of interpreting scripture, and we can learn a lot from his efforts to address it.

How does Aquinas determine how to interpret scripture in cases of dispute, where the dispute involves what counts as nature and virtue among the faithful or where the opponent alleges error in traditional interpretations? The proper appeal, he suggests, is to the virtue that regulates a community of differing people – namely, justice (see Chapter 5). The appeal to virtue to arbitrate interpretive disagreements itself follows from Aquinas's account of the natural law because he holds that "the human being has a natural inclination to live in society. And accordingly, those things that regard such an inclination pertain to the natural law, such as that human beings shun ignorance, that they not offend those with whom they have to live" (I-II.94.2).

The habit of isolating Aquinas's discussion of natural law from the other three elements has ossified the test case of same-sex relationships. Those who appeal to Aquinas to legitimate moral condemnation are almost always appealing to an understanding of natural law as a rationally apparent conclusion from a universally recognized normative human nature. But the interconnection of natural law with the other three elements renders Aquinas's reflection much more complicated – and more thoroughly subject to

error. Aquinas allows scripture (where he saw the vice against nature condemned) intimately to influence his understanding of natural law. The Bible's moral assessment of same-sex relationships is not a disputed issue for Aquinas, but it is for us, and Aquinas would be bound by his own admission of human fallibility to admit that dispute concerning biblical teachings on this topic is not, in principle, foreclosed. In his own right and context, he invokes the authority of Paul in Romans 1 when he finds such practices to be a punishment of human sinfulness and when he finds the fact that "among certain people thievery and even vices against nature are not reputed sins" to be a sign of culpable ignorance (I-II.94.2). Now that we dispute the interpretation or authority of scripture on this subject, we can ask whether Aquinas's own reflections on how to interpret scripture might actually inspire us to rethink his moral pronouncement concerning same-sex relations. I return to Aquinas's treatment of scripture at the end of this chapter, but here I claim that Aquinas's remarks on the "vice against nature" can scarcely be understood even on their own terms unless we also understand how all four elements reinforce and qualify each other as he works out his position.

Seeing parts in terms of wholes

Most scholars writing about the passages in which Aquinas speaks of "sins against nature" take the phrase to be a specific term designating, somewhat euphemistically, "homosexual activity." This involves an imprecise understanding of the words (Martin; Jordan).

In II-II of the *Summa*, we find a virtue analysis in which Aquinas considers vices against (*contra*) nature as a species of *luxuria* (II-II.154.11–12). In the *Summa*, *luxuria* is the vice of the concupiscible passions opposed to chastity, therefore of sexual pleasures (*voluptates*) (II-II.153.1*sc* and *c*). *Luxuria* extends secondarily to certain other vices "pertaining to excess," and Aquinas quotes with approval the *Glossa* that "*luxuria* is a certain superfluity" (*ad* 1). Note that although Aquinas follows the Vulgate in translating Paul's phrase *para phusin* (Rom. 1:26) as *contra naturam*, the species of vice under which he places it may indicate a subtler understanding of the Greek. *Para phusin* is, more strictly, "in excess of nature"

(Martin 339–342), which is exactly the extended sense of *luxuria*. Aquinas seems to realize that what Paul objects to, lacking the modern notion of desire distinguished by its object, is an extreme rather than misdirected example of undifferentiated lust (Martin 342; see Chapters 7 and 11). Aquinas's exegesis of Paul's *para phusin* in Romans 11:24 also seems to recognize that sense (*In Rom.* 11:24, §910; see Chapter 11). Mark Jordan has noted that, except for one important sentence, nothing calls attention to the article in the *Summa* on the vice against nature (II-II.154.12). The text is short – a quarter of the length of the one on fornication. “Nor is there any reason on the surface of the text to think that particular emphasis is being put on the sleeping together of persons of the same sex. The language used to describe it is colorless. Indeed, the very term ‘sleeping together’ [*concubitus*] is rather prim” (Jordan 145–146). Here as elsewhere the vice of pride, Jordan notes, is gravest, primary, and ruling among the sins (II-II.162.6–8). Yet one sentence stands out: “Just as the order of right reason is from the human being, so the order of nature is from God himself” (II-II.154.12). Given our customary modern separation of natural law from virtue reasoning, we are prone to ask: Is Aquinas shifting, in this sentence, from one form of analysis to another? Or is he identifying the two, connecting the virtue of the human being (the order of right reason) to the virtue of God (the providential, and thus prudential, order of nature)? Is he smuggling in a new category?

Suppose, however, that we approach the text on the supposition that for Aquinas, as I suggested above, the categories of nature and virtue have not yet come apart and that Aquinas is refusing to let them go separate ways. So Aquinas defines natural law in terms of prudence: In one of those fluid moves that renders Aristotle and the Scriptures a seamless whole, Aquinas identifies the providence by which God (according to Scripture) governs the world with the prudence by which a ruler (according to Aristotle) makes law (I-II.93.1; Bowlin 1999). God's providence or prudence knows (by intuition) infinitely many singulars (I.14.11), while human beings know (by reason) only universals (I.86.1); thus, natural law abridges God's prudence for humans to share (I-II.91.2). Aquinas does not hesitate here to allow virtue language (prudence) to control the languages of biblical and natural law, nor does he refrain from

the languages of law to connect those of virtue to other strategies for moral reflection.

On “the vice against nature,” therefore, Aquinas can fluidly continue: “And therefore in sins against nature, in which the very order of nature is violated, injury is made to God himself, the Orderer of nature.” Here “the vice against nature” becomes the greatest of the sins of *luxuria* as *emblematic* of sins against God. “What is peculiar about this remark,” notes Jordan, “is that the same syllogism can be constructed for any sin whatever. Every vice or sin is against nature, hence against God” (Jordan 146, citing I-II.71.2).

This argument suggests that Aquinas’s condemnation of sins against nature is less a local and specific condemnation of same-sex activities because they violate heterosexual sexual arrangements that are natural to male and female creatures; rather, Aquinas’s condemnation belongs to a larger condemnation of behavior that illustrates a general vice, the shape of which is excessiveness, superfluity, *luxuria*.

Christianizing Aristotle

As I indicated above, ethicists have tended to pay far too little attention to Aquinas’s works of scriptural exegesis, especially since that deficiency prevails less and less among theologians (Aillet, Corbin, Domanyi, Pesch 1985, 1977, 1974; Rogers 1995, 1997; Levering and Dauphinais).

I do not propose to suggest that Aquinas offers rival accounts in the biblical commentaries and the *Summa*; rather, I am suggesting that we attend to the commentaries precisely to honor the *Summa* as a theologically and scripturally based document – that is, as a work taking scripture as the source of its first principles (I.1.2, 3, 8–10) and written for students ordinarily instructed in lectures expounding the biblical books (prol.).

As we saw in the last chapter, the *Summa*’s chief warrant for arguments from natural law comes from the Bible, specifically, from Romans 1:20. Aquinas quotes that verse to prove that God can engage human reason to participate in God’s eternal law: “The things that are of God cannot indeed be known by us in themselves;

but nevertheless in their effects they are manifested to us, according to the famous passage in Romans 1[:20]: ‘The invisible things of God are caught sight of [*conspiciuntur*], being understood by the things that are made’” (I-II.93.2 *ad* 2; for parallels, see Chapter 5 n. 3). A parallel discussion appears in Aquinas’s *Commentary on Romans* at Romans 1:19 (§§113–116). Yet the preceding verse, Romans 1:18, provides Aquinas with the springboard for the discussion of the virtues (of which justice is, in some ways, the head): “The wrath of God is revealed against all injustice” (*In Rom.* 1:18, §§109–112). Thus, commenting on Romans leads Aquinas to reflect deeply, if implicitly, on the interplay of natural law and moral virtue. The few treatments in ethical sources do not read narratively, but isolate dicta (Finnis, Westberg).

Romans 1 dominates my argument for two reasons: (1) it evokes reflection from Aquinas on the foundations of both natural law and virtue; (2) it is also one of the few places where the Bible mentions what Aquinas calls “the vice against nature” and what we might now anachronistically call same-sex activity (Rom. 1:26). In the second section of this chapter, I clarify how the *Commentary* relates the virtues and natural law. But first I reflect on how Aquinas’s biblical commentaries should qualify his Aristotelianism, a commitment too often exaggerated and secularized.

Aquinas is Aristotelian enough to pepper the *Summa* with constant, if often nontechnical, references to the normative judgments of certain human beings who are better disposed toward the good than others. Already in discussing the goal of a human life, Aquinas directs attention away from the goods that just anyone might want, toward the goods of the one who possesses an affect well disposed (I-II.1.7, *in fin.*). Similarly, he notes that although everyone seeks beatitude in the sense of pursuing satisfaction of the will, only some seek beatitude according to that in which beatitude really consists (I-II.5.8). In considering how prudence learns to find the medium in which the moral virtues consist, Aquinas follows Aristotle in arguing that prudence finds it “as the wise one will determine [*prout sapiens determinabit*]” (II-II.47.7*sc*). In the consideration of natural law, we also find that “many things are done according to virtue, to which nature does not at first incline, but which human beings find through the inquiry of reason to be useful for living well” (I-II.94.3), where the useful is judged by the wiser (*sapientiori*,

II-II.57.3 *ad* 2). The appeal to those better disposed toward the good also becomes explicit when Aquinas refers matters of interpretation to the *maiores in fide* (II-II.5.4). The temptation is to construe their wisdom, as Aristotle does, in terms of reason.

But the *Commentary on Romans* explicitly intends to show that Paul is such a person – one of the wise – and *he* holds that stature as a “vessel of election . . . that is, a person through whom God exhibits the gospel grace of Christ” (*In Rom.*, prol., §11). In the *Commentary*, Aquinas appeals first of all to Paul as godly teacher and exemplar and only secondarily to virtue and nature exemplified and taught (Rogers 1995:73–95; Pesch 1974). Paul’s wisdom is not Aristotelian; it’s more like holy folly. Paul’s wisdom does not arise Aristotelianly or from habit; it comes almost violently. That gives us a new purchase on all the passages in the *Summa* that appeal to the wise person because it underlines how far Aquinas departs from Aristotle to reconceive wisdom.

The commentaries also give us new insight into Aquinas’s treatment of law. Aquinas’s remarks on law may sound, at first, more political and Aristotelian than biblical or Pauline. He writes that the essence of law concerns the common good and pertains to the public person who has care of the multitude and promulgates the law (I-II.90.1, 3, 4). Introducing the eternal law, Aquinas defines God’s providence as the prudence of a ruler (I-II.93.1). The temptation here is to construe Aquinas as deploying the language of natural law as a discipline of secular provenance and goals. Unlike moderns who argue from natural law as an alternative to revelation, the *Commentary on Romans* deploys the language of natural law because of revelation. Having studied the *Commentary*, we can more readily see that the *Summa*’s apparently Aristotelian move of identifying God’s providence with the prudence of the ruler also allows Aquinas to introduce his account of *biblical* law, since it too refers the care of the community to God. The same move eases the transition to *biblical* materials – especially salvation history (the Old Law) and grace (the New Law) – from the more Aristotelian material on moral psychology. Virtue describes the intrinsic springs of human action; law (eternal, natural, human, old, and new) describes God’s providential activity in moving creatures back to God (I-II.49, proem., 90 proem.). The New Law, or grace, overcomes the dichotomy between intrinsic and extrinsic springs of human action,

since in it God acts on the heart from the inside (I-II.96.1). In what follows in the *Summa*, Aquinas mops up natural law in one question and six articles, whereas he revels in biblical law to the extent of some 16 questions and 102 articles. Looking at this section of the *Summa* in light of his commentaries, we can see that natural law functions as no normative index for reason to derive out of its own resources, but rather to insure that God's providential activity in salvation history and the life of grace need not violate the human creature.

Let us bring those discoveries to bear on the passage in which Aquinas speaks of same-sex relations as vices against nature. The first thing to note is that Aquinas advances this view not because he has worked it out by reasoning without revelation from incontrovertible facts observed in nature, but rather because Paul is one of the wise and Paul advances it. Aquinas is attempting to follow Paul's reasoning because he sees Paul as exhibiting the virtues of justice and gratitude and therefore capable of special moral insight. Second, and in close connection with the first insight, we notice that natural law turns out to be no *independent* source of knowledge. Beliefs about what contravenes the law of nature depend on the virtues, the Bible, and the wise teacher (and vice versa).

Commentary on Romans

For the benefit of readers who are not taking the chapters in order, the story of Romans 1 begins *in medias res*. The truth of God, including natural law, is languishing. It has been "detained in unrighteousness" (Rom. 1:18). It is an injured, weakened, chained character, unable to do what it should, feckless and finally pitiful. Aquinas uses flashback and foreshadowing to show that character as a has-been and a wannabe (see Chapter 5). Or, in positive terms: Just as Aquinas cites scripture as charge to talk about the natural knowledge of God temporarily abstracted from faith for purposes of analysis, so he cites the same scripture as charge to talk about the natural law abstracted from virtue. But how *can* the truth of God be detained?

The central metaphors for the turn of plot that "at the time of Abraham" left natural law in its pitiful detained state are those, as

we have seen, of captivity and subtraction. The Gentiles have “detained the truth of God as if held captive.”³ Human beings have “subtracted from God’s power and knowledge.”⁴ Thus, the truth of God, including natural law, proves unable to do what true knowledge of God (*vera Dei cognitio*) ought to do, namely, lead human beings to the good (*In Rom.* 1:18, §112). That is the tragedy portrayed in Aquinas’s exegesis of Romans 1. It is confirmed elsewhere, as we have also seen; in the two sermons on charity, preached in 1273 after he had begun to work on Romans, Aquinas does not shrink from describing natural law as “destroyed” (*destructa erat, In praec.*, prol.).

The condemnation at Romans 1:26

That is the storied context in which Aquinas places assertions of natural law, so deep is natural law embedded, for him, in the Pauline narrative. Aquinas appeals to natural law to explain Paul’s assertions; thus, in the *Commentary on Romans*, it plays a supporting role. The assertions that move Aquinas’s argument in this commentary relate either to the narrative or to the virtues.

What does Aquinas say about the list of condemnations with which Paul interrupts himself at 1:26? It is central to Aquinas’s project to find ways for Paul to be right. Any Thomistic answer to the question about same-sex relations must save the text of Paul. The simplest way for Aquinas to save the text is to agree with it straightforwardly.

As expected, Aquinas does agree with the condemnations. Human acts can run contrary to nature in several ways. They can counter God’s nature: that is impiety. Alternatively, they can counter human nature, and that in two ways.

First, human acts can offend against reason, or human nature proper: “Thus all sin is said to be against the nature of the human being, to the extent that it is against right reason” (*In Rom.* 1:26, §149) – that is, to the extent that it runs contrary to the motive or causative power of synderesis to inquire after the good to be done and the evil to be avoided. Aquinas speaks not in modern fashion of the “sources” of knowledge, but of what *moves* and *causes* it. “Synderesis serves the function of explaining how we begin to

reason practically, but it does not provide content for our moral deliberations" (Nelson 97). Thus *synderesis* "moves" prudence, and prudence moves the virtues (II-II.47.6 in Nelson 96). The first use of natural law language in the *Commentary* adds a new vocabulary in which the wise may describe the successes and failures of practical reasoning, while it adds no new content to the internal principles of human action, described in the language of virtue and vice. The sins of the Gentiles are perfectly describable as vices of excess, or *luxuria*, here treated as resulting from prior vices of impiety and injustice. Their knowledge of what God had manifested to them was perfectly describable in commentary on verses 18–19 without any reference to the vocabulary of law. Why? Because Aquinas takes *Paul* to be describing the practice and knowledge of the Gentiles in terms of the virtue of justice (v. 18) rather than conformity with law.

Second, human acts can offend against the nature of the human species by reason of the genus, which is animal. It is under this heading that Aquinas considers, metaethically, the question of *what* goods are to be done and what to be avoided. Aquinas thinks it self-evident that sexuality comes under this heading, since reproduction is for the good of the *species* rather than a duty for all. Without that distinction, he will have trouble accounting for the celibacy of Jesus, Paul, and religious. It is hard not to agree with Aquinas that sexuality raises questions for human beings who must reason about it – and thus, under conditions of finitude and sin, wonder at and worry about it – rather than having instincts that straightforwardly settle everything.

Here, in differentiating *what* is to be done and what avoided, Aquinas does adduce the vocabulary of law. He adduces it because he takes *Paul* to be deploying it, with his language about an exchange of a natural use for one that is contrary to nature (*mutaverunt naturalem usum in eum qui est contra naturam*, Rom. 1:26, §§146–150). Aquinas allows the text commented upon to govern his vocabulary.

Aquinas follows Paul in treating what Aquinas calls the vice against nature as a fitting punishment for Gentile idolatry. Idolatry insults God's nature in two ways, which can be summed up in Pauline language as ingratitude and injustice. Gentile idolatry was a form of ingratitude in which human beings failed to glorify God

(*non sicut Deum glorificaverunt*, Rom. 1:21), which Aquinas glosses as failure to pay God due cult (*In Rom.* §127). The Gentiles also ungratefully failed to thank God for their goods (*non . . . gratias egerunt*, Rom 1:21), but unjustly ascribed them to themselves (*In Rom.* 1:27). Paul, on the other hand, is presented throughout the *Commentary* as a model of gratitude (beginning with *In Rom.* §§67–77), the first duty of those receiving good (*In Rom.* §75). The Gentiles failed to offer God what Paul, as a good Jew, remembers: a *bruchah*, in which human beings properly bless God for God's blessings (*In Rom.* §144). He specifies this kind of ingratitude as impiety (*In Rom.* §141).

Meanwhile, verse 17 has yoked impiety with injustice as a cause of God's wrath. Justice concerns the proper conduct of human beings toward each other (*In Rom.* §111). In its absence, as we have seen, "the true cognition of God, which in itself leads human beings to the good, is instead bound, as if held captive, by the affect of injustice, by which, as Psalm 11:1 has it, 'truths are diminished by the children of humanity'" (*In Rom.* 1:18, §112).

Aquinas argues that the double insult to God's nature – injustice and ingratitude – brings down human nature (*recedit, deducitur, decedit*, *In Rom.* §147). Furthermore, he finds that "this punishment is fitting" (*hanc poenam convenientem esse*, *In Rom.* 1:27, §151). Such fittingness makes a typical theological point for Aquinas. It exhibits a coherence between human sin and God's punishment of it, in that God punishes sin by withdrawing grace (*non impellendo in malum sed deserendo*, *In Rom.* 1:26, §147), resulting in a tendency toward further sin (as in the fall of Genesis itself). But not only that. The relation of fittingness also exhibits a further coherence – that between God's nature and its due, on the one hand, and human nature and its due, on the other. Thus, Aquinas does not regard a sin against human nature as an independent sin. The sin against human nature follows (*trahitur*, even *deducitur*, *In Rom.* §147) from a sin against the divine nature: On Aquinas's reading, God allows the Gentiles to fall into the sin against nature to punish their impiety and injustice. That does not mean that for Aquinas the sin against nature instances either impiety or injustice narrowly construed. It means rather that for Aquinas the sin against nature *follows* from impiety and injustice.

I do not deny that natural law arguments appear in the Romans account. What I deny is that Aquinas ever uses the languages of natural law *independently*. Unlike modern uses, Aquinas's appeals to nature lie deeply embedded in a biblical narrative. Even in the *Summa*, Aquinas's warrant for natural law is just this narrative (I-II.93.2 *ad* 2), which turns out to be about Gentile idolatry. According to Aquinas, God punishes the Gentiles for their characteristic sin of idolatry by leaving their passions to disorder. The "deformation of their [Gentile] nature . . . is according to the order of justice, because it was due that those who had done injury to God's nature, that is, to what is proper to God, by attributing it to creatures, should emerge dishonored in their own nature" (*In Rom.* §151).

As a technical term, *convenientia* names a theological argument from fittingness (as opposed to necessity), but the word further plays into Aquinas's hands because the Vulgate actually uses the verb: "God delivered them up to a reprobate sense, with the result that they did things that did not suit [*non conveniunt*]" (*Rom.* 1:28, *In Rom.* §155). Aquinas's account not only shows but also depends upon the depth of its interconnectedness and coherence, because he argues *ex convenientia*, aesthetically or from fittingness (also *In Rom.* §§153, 155, and 156).

It is worth noting that the original sins identified in the Romans narrative – injustice and ingratitude against God, or failing to return God the human acts and attitudes due to God's nature – are defined *both* in terms of virtue *and* in terms of nature; that is, their definition manifests a deep interconnection. "Injustice," "ingratitude," and "impiety" are vices named in terms of the virtues they lack, justice being the chief of the cardinal virtues and gratitude a Pauline virtue that the *Commentary* has already noted several times. What is new in the passage in which Aquinas considers Romans 1:26 is that he also treats those virtues (including piety) in terms of nature, a nature that is not bare but oriented to God. He does so because it is precisely God's *virtus*, or power, that the Gentiles fail to acknowledge with due acts of piety and thanksgiving. *Virtus* (from *vir*) genders this excellence male. So insult to God's *virtus* unmans Gentile *virtus* – just as insult to God's nature denatures Gentile nature.

Such correspondences display elegance of argument. Aquinas is not just trying to make God's punishment look theoretically appropriate: he calls it appropriate in fact, a fitting solution to the problem of Gentile idolatry. By failing, through idolatry, to acknowledge the *virtus* of God's nature, nations not worshipping the God of Israel will lose the *virtus*, the male-gendered excellence, of their own nature. Therefore, God causes idolatry and the vice against nature to increase together (*Simul etiam idololatria crescente, huiusmodi vitia creverunt*, *In Rom.* §151). Even the *Summa* dates a deficiency in human reason "since, about the time of Abraham, they had fallen headlong into idolatry" (I-II.98.6). Aquinas finds that to be so not only by logic (*satis rationabiliter*, *In Rom.* §151) but also according to biblical history. For "the Apostle calls the vices against nature the penalty for idolatry since they are seen to have begun at the same time as idolatry, namely in the time of Abraham, when idolatry is believed to have begun. For that reason and at that time they are first read of as having been punished in the Sodomites."⁵ Idolaters fittingly and by their own fault come to reproduce less, since from same-sex activity "generation cannot follow" (*In Rom.* §149). The practice of idolatry, Aquinas suggests, fittingly results in the reduction of idolatry. Idolatrous nations, coming to lack the good of the species, will, by implication, die out of their own (un)nature. "Generation cannot follow" (*In Rom.* §147) corresponds to "the wages of sin is death" (*In Rom.* §151). The verb in "Generation cannot follow" is *deducitur*, which means not only "deduce," but also "bring down." The punishment not only follows logically, but brings down the population causally. The matter accords, by *convenientia*, with the argument. The punishment fits the crime, in the sense of displaying a symbolic meaning. The monastic life, of course, is not considered to be a punishment of this kind.

As I have said, the passage does not lack for a natural-law argument, but it is very striking that Aquinas (correctly) reads Romans – from which he takes the *Summa's* warrant for the very existence of natural law – as primarily a narrative account of a historical fall of the Gentiles into idolatry, which occurred in the time of Abraham and to which God historically responded with a punishment appropriately designed so that the Gentiles would die out. It is a narrative that serves as prologue, of course, to the saving action of God. The action by which God saves the Gentiles also (and

again appropriately) occurs “contrary to nature” (Rom. 11:24), which Aquinas compares to the resurrection (*In Rom.* §910; see Chapter 12). In this story, as in the *Summa*, natural law is an elaboration of God’s prudence or providence in salvation history, no independent source of moral calculation – whether we are now inclined to buy the details of that story or not.

Not only does idolatry lead to same-sex sexuality, but a sexual practice of the sort Paul describes as accompanied by “all vice,” *omni iniquitate*, including malice, fornication, avarice, wickedness, envy, murder, and so on, according to a list of vices much studied by New Testament scholars (Rom. 1:29–31). In commenting on the list, Aquinas explains that Paul “expands upon” (*exaggerat*) all vice in two ways, extensively and intensively.

The unraveling of the assumed correspondences

How does it affect the cogency of Aquinas’s argument if such correspondences no longer seem self-evident? Suppose same-sex couples in marriage-like relationships seem not to be delivered up to “all vice,” including the other items on the list (Williams 1993). Does that count as evidence that they do not perhaps number among the idolaters Aquinas (like Paul) has in mind in this passage? Suppose the Catholic Church thinks of homosexual orientation in categories that have nothing to do with divine punishment or Gentile idolatry. Does such a supposition count as evidence that the congruity between the Pauline passage, the law of nature, and deliverances of the faithful needs to be renegotiated? Suppose biblical exegetes no longer locate the sin of Sodom in same-gender sexuality, but in inhospitality and violence, as Ezekiel (16:6–48) and Jesus (Matt. 10:14–15) suggest, and no longer date a historical fall of Gentiles into idolatry from that point. Suppose same-sex relations in a faithful monogamous pairing are not or no longer associated with empirical idolatry but with the empirical church: suppose that they build up the people of God, that they result in faith, hope, and charity or – to use the categories of the *Commentary on Romans* – in justice, gratitude, and right worship of God. Some will object that the text answers that question: they read it so that same-sex sexuality by definition cannot result in justice, gratitude, and right worship

of God. I merely point out that if we disagree about such matters, then the argument Aquinas wants to make becomes harder to sustain, not only in the *Commentary on Romans* but also in the natural-law reasoning for which Romans 1:20 serves as warrant.

Indeed, it is only the absence of such modern concerns and objections from the thought-world of Aquinas's audience – that is, it is precisely the widespread agreement among the wise of his own time – that allows him to proceed with such abbreviation and dispatch. I propose that in this passage in Romans, notions about nature are not, in fact, doing *independent* conceptual work. Rather, here, as in the *Summa*, they cohere deeply with regnant understandings of the virtues, with the prevailing interpretation of the Bible, with perceptions of empirical facts about the world, and with the sense of the faithful. Where such agreement does not prevail, the argument has to be reconstituted until coherence re-emerges.

It seems, therefore, that there can be such a thing as genuinely Thomistic disagreement, or *quaestiones disputatae*, on this issue. On same-sex relationships, the traditional coherence can be asserted with great sophistication, and often is. However, it is a matter of no small importance that the interpretation of the relevant biblical texts (especially in Paul), the state of natural science, and understandings among Christians of what counts as virtue no longer cohere so obviously as they once did, but have become (severally and together) topics of widespread debate. Importantly for adherents of Aquinas, the debate is not just in popular culture, but precisely among the wise or the *maiores in fide*. While same-sex relations remain a subject of moral debate and discernment among the wise, defenses of marriage as exclusively heterosexual have emerged as another subject of moral concern. To put it crudely, we now observe parallel debates about whether either homosexual or heterosexual activity can serve justice; whether either can be moved by the Holy Spirit writing the law upon and infusing the virtue of charity within the heart; whether either can square with the text of the Bible interpreted according to the best deliverances of the *maiores in fide*; and whether either can occur under licit circumstances, even if Aquinas was in no position to imagine such circumstances.

As it stands, the story Aquinas tells is too religious for a modern, secular court, and too medieval – or too queer – for modern advo-

cates, liberal or conservative. Even if you manage to separate out the gendering as medieval, two features remain: that nature has a history, and that history is under God's control. This nature is in no way the subject of unchanging reason. It is God's creation, and as God's creation it is a moved mover: moved by God, and subject to change.

Aquinas on disputes about scripture

Should we not, however, follow Aquinas's example and submit to the guidance of that model and teacher of virtue, Paul? In cases of dispute among the wise, ought we not to appeal to the text? Is that not the deepest lesson to be drawn from these writings? Certainly Aquinas's respect for the text, and for its traditional and communal interpretation is higher than scholars often give him credit for. The entire discussion of whether sacred doctrine counts as *scientia* in the first question of the *Summa theologiae* represents a heightening of scriptural authority over the earlier systematic treatises (Corbin 1974). To proceed from first principles is, as we have seen, to proceed from (lower-case *r*) revelations. Thus sacred doctrine is not vitiated by proceeding from a revelation: sacred doctrine is *scientia par excellence* by proceeding from Revelation. So Aquinas makes Aristotle an index of his commitment to the Bible: the more Aristotelian he is, the more biblical he is (Rogers 1995:16–70; more in Chapter 7).

Yet Aquinas's commitment to the Bible requires a complicated obedience. Although the formal object of faith is God as the First Truth, the material object of faith consists of enunciable propositions from scripture well understood (*intellectis sane*, II-II.5.3 *ad* 2), where "well understood" is specified by the believing community and by those "greater in faith" (*maiores in fide*, II-II.5.4). Unsurprisingly, Aquinas does know of disputes within the believing community, among the *maiores in fide*, over the interpretation of scripture. Such disputes, in fact, lead to *quaestiones disputatae*, and collections of disputed questions lead to *summas* (MacIntyre 1990:84–85). The *summas* and disputed questions of Aquinas *internalize* dispute as *the* way that human beings come to know, both in investigation, and in teaching. In its institutionalization of dispute, if not in other

ways, the medieval university culture may have been more open than our own.

Specifically, Aquinas knows of disputes about scriptural teaching on what should count as the law of nature. (I follow Marshall 1990:90–97.) The most famous concerns not natural moral law or Aristotelian biology but physics. If there are difficulties about physics, we should expect still more about ethics. In the twenty-first century, we may (or may not) be accustomed to thinking that interpretations of natural physical law change more than interpretations of natural moral law, that physics changes more than ethics, but Aquinas was not. If anything, he considered the moral law harder to know (that is, to apply):

In speculative matters there is the same truth in all, so in principles as also in conclusions, although the truth is not recognized by all in the conclusions . . . But in matters of action, truth or practical rectitude is not the same for all individually [*quantum ad propria*] but only communally [*quantum ad communia*]; and where there is the same rectitude in individual matters, it is not equally noted by all. (I-II.94.4)

For medieval difficulties about physics I have in mind the dispute about whether the world has a beginning in time (Marshall 1990). There, not only in the first part of the *Summa* (I.46.2) but also in the *De potentia* (4.1), Aquinas introduces broad qualifications, which he takes from Augustine, about the interpretation of scripture with respect to natural science. Unlike modern interpreters, Aquinas rules out the strategy of harmonizing the Bible and modern science by applying a hermeneutic of suspicion *either* to the Bible *or* to the “visible created things, in which, as in a sort of book, the cognition of God may be read” (*In Rom.* 1:19, §116 *in fin.*). Rather, Aquinas requires a hermeneutic of charity that holds for truth. In the Bible there may not be anything false (*De pot.* 4.1; II-II.1.3), for the First Truth, God, is no deceiver. Yet for that very reason interpreters ought not to turn a hermeneutic of suspicion against the natural sciences either. Thus, Aquinas insists that readers ought to interpret the Bible in accord with the best deliverances so far of (relatively independent) natural science that prove adaptable to the text, literally “saving the circumstances of the letter, *salva litterae*

circumstantia” or “the way the words go” (1990:93).⁶ The requirement that the Bible be interpreted in accord with what proves adaptable to the Bible may sound circular, but Aquinas regards it as a virtuous circle. Precisely because God does not deceive, either in the text or in the world, error must reside in interpretation, somewhere in what we think the text or the world means.

When Bruce Marshall considers Aquinas’s handling of the apparent tensions between scripture and natural science, he writes that “the usefulness of this example lies partly in its utterly noncontroversial character – it has been hundreds of years since anyone worried about whether Aristotelian science could be reconciled with the plain sense of Scripture” (1990:91). Aquinas and his contemporaries, however, worried a great deal about that question (much as many theologians in our own day worry about how to reconcile *current* science and the sense of scripture), and they devoted considerable energy and ingenuity to exhibiting the assimilative power of Christianity at just that point. In the process, Aquinas made some illuminating procedural comments about the way theologians should try to absorb dissonant truth claims into a ruling but not static view of the biblical world.

In the attempt to reconcile the theological interpretation of scripture and the natural scientific interpretation of the world, Aquinas follows two paths. He suggests, as Marshall puts it, that either “(i) we can revise our identification of the plain sense in light of external beliefs; [or] (ii) we can revise our estimate of our external beliefs in light of the requirements of the plain sense. Both of these courses of action are in fact strategies for absorbing the world into the biblical text” (Marshall 1990:95). In both cases, Aquinas argues that apparent conflicts come from taking either the way the words go, or the way the world works, *in too narrow a sense*. What Aquinas seeks is both a more capacious text, and a roomier science. In the case of the eternity of the world, Aquinas finds the requisite room in Aristotle: Aristotle need not be interpreted as requiring the eternity of the world. In the case of creation out of nothing, Aquinas finds room in scripture: scripture need not be interpreted as requiring creation from unformed matter.

In the first case, many thirteenth-century theologians supposed that Aristotle’s physics did require the eternity of the world. All agreed that the eternity of the world was incompatible with the

plain sense of scripture. So Bonaventure, for example, thought the conflict meant we must reject Aristotle (Marshall 1990:95–96). But Aquinas hesitates to choose between the best available natural science and the plain sense of the Bible. He observes that the conflict arises only because many assume that Aristotle’s physics, since it *argues for* the eternity of the world, also claims to *prove* the eternity of the world. But Aquinas interprets Aristotle so that the best available physics cannot, contrary to the assumptions of many, *decide* the issue of eternity. Aquinas denies, therefore, that “Aristotle should be read as though he were really attempting to *demonstrate* the eternity of the world” (Marshall 1990:95–96; my emphasis). Properly understood, Aquinas argues, Aristotle’s physics knowingly or unknowingly leaves certainty about the matter to faith, not natural science (Marshall 1990:95–96).

So some might argue on the issue of same-sex relationships. The plain sense of scripture (principally Romans 1) appears to conflict with the best deliverances of natural science in psychology and genetics. Those who follow Bonaventure will say, so much the worse for natural science. Those who follow Aquinas on the eternity of the world will prefer rather to honor a properly interpreted natural science within the confines of a properly interpreted Romans 1. Followers of Aquinas still have two options.

- 1 They might then read the justified claims of contemporary psychology and genetics as either still in dispute, or more descriptive than normative, so that moral conclusions about what one ought to do, given a homosexual orientation, do not follow from those claims. In that case, the argument parallels Aquinas’s on the eternity of the world: natural science does not, properly interpreted, really argue the case, and therefore faith, in accord with the plain sense of Romans 1, controls. Analogously, one could claim that same-sex activity is never licit and yet maintain a compatibility of the plain sense of the biblical text with the best deliverances of natural reason. That move may strike critics as resembling creationist readings of the fossil record and as exposing faith to the very sort of ridicule Aquinas opens up exegesis to avoid. In that case, they will prefer a second strategy that Aquinas also offers to preserve the faith from ridicule.

- 2 In this second case, Aristotelian physics denies the existence of unformed matter. Yet the Vulgate translation of Genesis 1:2 calls the earth *inanis et vacua*, which sounds very much like unformed matter, from which God would go on to make creatures. Now it is the Bible, rather than Aristotle, that proves capacious in Aquinas's hands. Aquinas rules out the interpretation "unformed matter," since "[w]hat is false can never be the literal sense of sacred Scripture" (Marshall 1990:91, translating I.1.10 *ad* 3; see also *De pot.* 4.1*c*), and since he holds that we have good reasons – specifically, Aristotelian ones – for thinking that "unformed matter" makes no sense. The exposition of *inanis et vacua* as "unformed," he writes, "seems deficient, since it asserts that Scripture should be understood to mean certain things the contraries of which are shown by sufficiently evident reasons" (*De pot.* 4.1 *ad* 5 in Marshall 1990:92–93). Scripture must mean something else. Aquinas offers two interpretations, one Augustinian (that the work of the six days was done all at once) and one Cappadocian (that without creating unformed matter, God remains free to mold the creation more determinately over time). Aquinas says Augustine's reading "is more profound and better upholds Scripture against the mockery of unbelievers," while he finds the Cappadocian reading "more obvious and more in agreement with the words of the text in their surface meaning" (*De pot.* 4.2*c*). Aquinas concludes that "the way the words go allows both senses" (*De pot.* 4.2*c*). Not bound by modern notions of compulsory univocity, Aquinas allows both senses to stand, offering this as a guiding principle: "One should not want to force Scripture to have a single sense in such a way that other senses which have truth in them and can be adapted to Scripture by agreeing with the way the words go [*salva circumstantia litterae*] are completely excluded" (*De pot.* 4.1*c*).

So others might argue on the issue of same-sex relationships. Contemporary genetics denies that same-sex sexuality appears among certain nations for the purpose or with the result of killing them out. Contemporary psychology adduces what many of those who are great in faith would consider "sufficiently evident reasons" for finding homosexual orientation no pathology and same-sex relationships no more infected by sin than

cross-sex relationships with the same virtues. Rather than rejecting the biblical text as false – since that would break the rule that “what is false can never be the literal sense of sacred Scripture” – Christian theologians, according to Aquinas, have a positive duty to seek other senses that accord with “the way the words go.” Since God, rather than Paul, is the primary author of the literal sense of scripture (*De pot.* 4.1c; I.1.10), the Christian theologian must not limit interpretation to senses available to the latter. “Even if some true things that the [human] author does not understand are adapted [*aptentur*] by expositors to the literal sense, there is no doubt that the Holy Spirit, who is divine Scripture’s principal author, will have understood them” (*De pot.* 4.1c). It is not a defect but a virtue – a christologically necessary dignity – for the text to bear more than one sense. It is insisting upon a univocal interpretation of a biblical text that sets up defective interpretation in the community. That is true not only for the spiritual senses, but of the literal sense, too, since Aquinas defines the literal sense as what the author – God – intends (I.1.10; de Lubac 280–285).

Take two recent, possibly incompatible, examples. It may be that by *para phusin* God means that human beings, gay or straight, must not act against their individual natures, so that homosexually oriented men must no more test God by marrying women than heterosexuals should test God by seeking (to them) exotic liaisons with members of the same sex (controversially, Boswell 108–109). Or it may be that by *para phusin* Paul means primarily “in excess” of nature, so that promiscuous relations of whatever type are excluded; same-sex relations are taken as exemplary for excess in most cases (especially those associated with Gentile idolatry), but monogamous, lifelong same-sex households upholding the household of God and exemplifying not excess but the love of God for God’s people do not count as excessive (cf. Martin; Good *et al.* 2011). One might go on to argue that the first reading is, like Augustine’s on the six days, further from the text, but more profound and more readily understandable for defending the church against the mockery of unbelievers, while the second reading, like that of the Cappadocians, is “more in agreement with the words of the text in their surface meaning.” Yet

neither may be excluded (compatible with each other or not) because, as Aquinas capaciously concludes, "Every *truth* which can be adapted to divine scripture, while preserving the way the words go, *is* the sense of scripture" (*De pot.* 4.1c, my translation; cf. Marshall 1990:97).

Aquinas, Scripture, and Moral Norms

I return to the line of argument I opened in the section on "Rejoining what time has put asunder." By paying attention to Aquinas as a master of scriptural exegesis we have, at one and the same time, discovered the scriptural basis of his treatment of same-sex sexual relations as immoral and also opened up strategies for considering whether taking scripture seriously requires in all cases making the same moral judgments.

Aquinas's sweeping claim that the truth compatible with "the way the words go" just *is* the sense of scripture does not just piously defend the spiritual senses of medieval exegesis, but rather asserts the capaciousness of precisely the literal sense (Frei; Tanner; Marshall 1990). Furthermore, it protects against a hermeneutical instance of the very same "detention of" or "subtraction from" the truth, of which Aquinas speaks in the *Commentary on Romans*. In the *De potentia* we may not "confine" the text (*cogere*), just as in the *Commentary on Romans* we may neither "bind" the right (*ligare*) nor "detain" or "subtract from" the truth (*detinere, subtrahere*). Notably, the power of God under discussion in *De potentia* is the very *virtus* or *potentia* of God from which the Gentiles had, according to the *Commentary on Romans*, subtracted, to their discredit. That the theologian may not confine scripture to one sense also corresponds with the stricture that the theologian may not confine God to a category (I.3.5).

Readers must take care, as we have seen, "lest anyone want to confine [*cogere*] Scripture so to one sense, that other senses be entirely excluded, that in themselves contain truth and are able to be adapted to scripture, preserving the literal sense" (*salva litterae circumstantia*, *De pot.* 4.1c). Insofar as interpretations of Romans 1:26 exist that distinguish what Paul objects to from what gay and lesbian Christians in marriage-like same-sex unions practice, thinking in

the style of Aquinas does not just allow, but *requires* theologians to keep the matter open. The literal sense of scripture becomes a *class* of readings (see Chapter 4).

The surprise is not that that settles the matter. The surprise is that it requires giving theologians considerable room. The surprise is that disputants on both sides may be Thomists – not just partial Thomists, the natural-law Thomists against the virtue-theory Thomists, but integral Thomists. What counts as true and false by criteria of natural science, what counts as just and unjust, grateful and ungrateful in sexual ethics, what counts as being in accord with “the way the words go” in scripture, and what counts as exposing the faith to ridicule – these are all, to a greater or lesser extent, *quaestiones disputatae*, questions for the wise, or the *maiores in fide*, to decide. They are not questions that lack objective answers, but ones that the wise investigate by applying to nature and scripture. Aquinas would have the *maiores in fide* seek to learn from those both inside and outside the faith, and he would have them seek the gifts of the Spirit in prayer, which is the highest of secondary causes, and the end of interpretation (I.1.6, II-II.83.1–2; see Chapter 4). This way of putting the matter makes it harder to argue that current clashes over same-sex relationships ought to be regarded as church-dividing (O’Donovan; Marshall 1998). It also makes it harder to argue that arguments from natural law taking this Aquinas as an authority have any place in secular courts.

Notes

- 1 This chapter first appeared as Rogers 1999a and then in somewhat different form for a different purpose and readership in this series in Rogers 1999b.
- 2 For example, Novak 1992: chs. 4–5. But the discussion has grown more complicated, with the appearance of authors within and without the natural law tradition who make much of genetic and cerebral evidence of the naturalness of such relations: Pope; Pronk; Sullivan 1994, 1995.
- 3 “Tertio [Paulus] ponit cognitionem quam de eo habuerunt, cum subdit ‘hominum eorum qui veritatem Dei,’ id est de Deo cognitionem, ‘detinent in iniustitia,’ quasi captivatam. Nam vera Dei cognitio quantum est de se inducit homines ad bonum, sed ligatur, quasi captivitate detenta, per iniustitiae affectum, per quam, ut Ps. XI, 1, ‘diminutae sunt veritates a filiis hominum’” (*In Rom.* 1:18, §112).

- 4 "Isti ideo dicuntur inexcusabiles 'quia cum cognovissent Deum, non sicut Deum glorificaverunt,' vel quia ei debitum cultum non impenderunt, vel quia virtuti eius et scientiae terminum imposuerunt, aliqua eius potentiae et scientiae subtrahentes" (*In Rom.* 1:20b, §127).
- 5 "Apostolus vitia contra naturam . . . ponit idololatria poenam, quia simul cum idololatria inc[o]episse videntur, scilicet tempore Abrahae, quando creditur idololatria incoepisse. Unde et tunc primo leguntur in Sodomitibus punita fuisse, ut Gen. XIX" (*In Rom.* §151). For sources in Second Temple Judaism for that or similar ideas, see Martin.
- 6 In my discussion of *Quaestio disputata de potentia*, I have used, at points, the translation provided by Bruce D. Marshall.

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Part II

Aquinas on the Redemption of Natural Law

How Aquinas Gets Nature and Grace Back Together Again

Aquinas Meets Karl Barth

This chapter plumbs the depth of Aquinas's commitment to revelation and grace, to make his use in legal circles sufficiently strange. To do that, I compare Aquinas with the Protestant revelation theologian Karl Barth. To those who know the reputations of both, this is something of a reductio ad absurdum. Far from befriending natural lawyers, Barth famously regarded the natural theology of text-book Thomism as "the invention of the Antichrist." The real Aquinas, I argue, is closer to Barth than to either the natural lawyers or the Antichrist. Natural lawyers and judges need to know that natural law is not only a religious scheme, but one that such serious Christians as Barth abhor, and itself the topic of an interreligious debate. When courts use natural law, they are not siding with neutral reason — they are siding with one party in an intra-Christian dispute. That remains true even (or especially) if I here propose a more dynamic Aquinas with affinities to those who would oppose rather than uphold natural law.

Introduction

In this chapter, I compare Aquinas to Karl Barth on the natural knowledge of God and the task of theology.¹ The chapter finds a convergence between Barth and Aquinas just where both modern Barthians and modern Thomists would have thought convergence

least likely: on the natural knowledge of God. It seeks to do so on the basis of their reading of Romans 1:20 in Barth's *Shorter Commentary* (1959 [1956]) and Aquinas's *Commentary on Romans*, where each ends up saying surprising things about the natural knowledge of God under the pressure of following Paul. (Barth's *Shorter Commentary* is *not* a version of Barth's hermeneutical manifesto, *Der Römerbrief* [*The Epistle to the Romans*] of the teens and twenties, but an entirely different work following parallel passages in the *Church Dogmatics*.) The second part of the chapter asserts a reading of Aquinas on Romans, taking theologian's license to do so in theses defended elsewhere (Rogers 1995). The last part makes the comparison of the two commentaries (Barth's and Aquinas's), arguing a convergence, and also concludes in theses. Some readers may find the procedure circular. If so, I hope they find the circle attractive or provocative enough to read further. I hope in part to provide a reading of Aquinas's theological procedure that resembles Barth's account of Anselm's (Barth 1960 [1931]).

Such a reading is significant because Barth is at once the most intrepid recent defender of the sort of scripturalism that I believe Aquinas to share, and Aquinas's most confident detractor on the theory that Aquinas deserts that scripturalism for the natural law Barth abhors. To the extent that I can defend the suggestion, made occasionally by Michel Corbin (1974:698, 718, 763, 838), of a convergence rather than an opposition between Aquinas and Barth, I will have helped to change the terms of the debate.

The clash between Aquinas and Barth is promising. The Five Ways of *Summa theologiae* I.2.3, arguments for the statement "God exists," have constituted for a millennium the now celebrated, now notorious, now controverted, now all-too-plain climax of natural theology. (I confine my claims to the Ways in the *Summa theologiae* and the *In Romanos* and distinguish the project of the *Contra Gentiles* below.) Barth sums up one evaluation of them as follows: "Natural theology was able, . . . after the rediscovery of Aristotle, to get the upper hand over medieval theology, which at last and finally became apparent in the formulas of the First Vatican Council (in the canonization of Thomas Aquinas as its supreme achievement [*Spitzenleistung*])" (CD II/1:127).² The comment comes as Barth diagnoses natural theology as dogmatics' most virulent disease. Barth castigates Aquinas for identifying "being" as something that God and humans

share, putting them into a common category, “the analogy of being” or *analogia entis*. Barth famously calls that procedure “the invention of the Antichrist” just a few pages earlier (CD II/1:82; my emphasis). In that context, Barth’s characterization of Aquinas’s achievement as a *Spitzenleistung* becomes a superlative of sarcasm. Barth has complimented Aquinas for reaching the top of the tower of Babel.

Yet where something very like the natural theology of the Five Ways appears in Aquinas’s *Commentary on Romans*, it cannot be functioning as a *Spitzenleistung* of any sort of natural theology of which Barth could disapprove. In a letter at the end of his life, Barth writes: “On the contrary, I would gladly concede that *nature* does objectively offer a proof of God, though the human being overlooks or misunderstands it. Yet I would not venture to say the same of natural *science*, whether ancient or modern” (May 7, 1968, Barth 1982:42).

If that is the division, then Aquinas’s arguments belong on the side of “nature” rather than on the side of “natural science,” because for Aquinas, concrete nature is already shot through with the grace of the Holy Spirit, and Barth’s notions of science, both ancient and modern, remain captive to modern notions of a natural science that defines itself as immanent to this world. But when *Aquinas* defines natural science in his commentary on the prologue to John, *it comes under sacred doctrine*, serving the doctrine of creation, and assuming an explication of the world with a source and an intelligibility to transcend it. “Natural science,” he writes, “considers things as proceeding from God” (*scientia naturalis . . . res a Deo procedentes considerat*, *In Jo.* prol., §9, trans. in Weisheipl 26). The characterization applies in spades to Aquinas’s view of natural law. Obviously *that* is not the sort of “natural science” Barth had in mind. And Barth’s own *Shorter Commentary on Romans* (which Barth intends to match the *Dogmatics*’ account and benefits from brevity and verse-by-verse organization) clears a field, which, however narrow and hedged, invites exactly the sort of natural theology Aquinas offers. It is indeed for just that hedged and narrow open space, with just such conditions as those Barth emphasizes that Aquinas offers a natural theology – one that looks to twenty-first-century eyes more like a theology of revelation. For it is objectively trinitarian, and it requires faith to be effective.

When Barth arrives in his commentary at Romans 1:20, he finds himself compelled to admit, with caveats and reversals, that

the world which has always been around [the Gentiles], has always been God's work and as such God's witness to himself. Objectively the Gentiles have always had the opportunity of knowing God, his invisible being, his eternal power and godhead. *And again, objectively speaking, they have always known him.* In all that they have known otherwise, God as the Creator of all things has always been objectively speaking the proper and real object of their knowledge, exactly in the same sense as undoubtedly the Jews in their law were objectively dealing with God's revelation. (Barth 1959 [1956]:28; my emphasis)

In some ways that statement sounds as if it goes far beyond what Aquinas would say. Barth does not distinguish God's essence, for example. In other ways, Barth's attempt to qualify his claim by dialectic rather than distinction will cause him to seem to take it back. The discipline of having to follow Paul (within, to be sure, a certain very broad tradition of interpretation which Aquinas and Barth themselves help to define) will make Barth and Aquinas each model his presentation of natural theology less upon his own situation and preferences than in more systematic works, and more, instead, upon the perceived moves of Paul. That presentation will in turn render more visible theological similarities of argument, agenda, and approach that situations and circumstances might otherwise becloud. Barth and Aquinas will each seek to execute what we may call the "material moves of Paul" (Preller 1967:266–273). Thus by "material convergence" I mean in this case a pattern of argument that Paul executes first and Barth and Aquinas follow at a distance.³

I seek to discern a common underlying pattern *just when* differences of vocabulary, emphasis, and time threaten to hide it. Under the influence of Paul, their common teacher, Aquinas will talk about the ineffectiveness of natural knowledge of God under certain sinful conditions and how it serves to prove the necessity and sufficiency of grace, conditions that go unmentioned in the tightly circumscribed article on the Five Ways; under the same influence Barth will talk about the possibility of an objective natural knowledge of God, a possibility that goes unmentioned in the differently

directed polemic of *Church Dogmatics* I/2 and II/1, except to seem denied. Each must intentionally or unintentionally press his own questions upon Romans, but Romans will in turn, with greater or lesser influence, press its questions upon each one. It is by attending to the latter pressure – that of Romans or a tradition of reading it, upon its commentators – that I hope to discern a convergence in the matter of natural theology. Natural theology as a Christian theological discipline finds its home, Barth and Aquinas would agree, in Romans 1. Indeed, even Aquinas deploys the phrase *theologia naturalis* there, following Augustine, and the connotations are every bit as negative, even if his opponents are inevitably different and his tone characteristically milder.

The parallel discussion of the quote from Augustine in the *Summa* places it under the article “Whether idolatry is rightly placed in the species of superstition.” The conclusion is as textual as it is shocking: the natural-law tradition, practiced by “philosophers in the world” apart from the providence of God and the theology of grace, counts for Aquinas as idolatry and superstition (*In Rom.* 1:25, §145; II-II.94.1 (note: not I-II.94 on natural law, but II-II.94 on idolatry); both quoting Augustine’s *City of God*, 7.5). To the Thomas of history, natural-law thinking is *either* a species of Christian theology, *or* a species of idolatrous superstition. Which way should the courts take it?

But here I am aiming at the scriptural warrant for the Five Ways. For if there is one place in the *Summa* where the skeptic sees Aquinas’s scripturalism in retreat, or the natural lawyer sees the knowledge of nature at its zenith, it is in the Five Ways. Generations of students have passed over question one (the nature of sacred doctrine) to give pride of place to question 2 (the existence of God as sacred doctrine’s object). In so doing they neatly if unwittingly substitute the logic of coming to believe for the logic of belief (distinction from Hans Frei), which question 1 has specified. It is question 2 read as if in isolation that functions today to define the “scientific” character of Aquinas’s theology, and it is a very different scientific character from the one that Aquinas himself explicitly sets out in question 1. Gilson for example regards it as “extremely important” that those things that are “purely rational” in Christian beliefs – like most accounts of natural law – “can be extracted from their theological context and judged, from the point of view of natural reason, as purely philosophical conclusions.” Furthermore,

that “enables us to understand how strictly metaphysical knowledge can be included in a theological structure without losing its purely philosophical nature” (Gilson 9, deposited in Marshall 389–390). Such a reading immediately challenges readings like mine (including those in the German, French, and Anglo-American traditions of Pesch (1974), Corbin (1974), and Preller (1967)). For one might find the criterion of consistency reversible. One might argue, that is, that a certain other reading of question 2 (on the Five Ways) tells us what Aquinas’s “real” intention is, and that question 1 (on theology as a scriptural science) ought to be read so as to cohere with that, instead of the other way around. It is one purpose of the theses that occupy Part II to make readings like mine more nearly irreversible by putting question 2 into its scriptural context. The symmetry is striking: Aquinas’s warrant for the Five Ways (precisely: for the demonstrability of God’s existence at I.2.2) is Romans 1:20, and in Aquinas’s *Commentary on Romans* at 1:20 similar cosmological arguments also appear (§115, assigned to 1:19). The three arguments *per causalitatem*, *per viam excellentiae*, and *per viam negationis* correspond explicitly (§117 *in fin.*) to the *virtus*, *divinitas*, and *invisibilia* of 1:20a. The very same verse appears as a warrant for the existence of a natural law in human minds (I-II.93.2 *ad* 1). If we put the commentary on Romans 1:19–21 into context, we will have put Aquinas’s natural theology and natural law into context, even in their strongest and most prominent form. If scripturalist considerations control the claims for the natural knowledge of God in the commentary where it is at home, and we take seriously the instructions of the *Summa*’s prologue to read it as a compendium and abbreviation of matters that arise in commentary on scripture (MacIntyre 84–85), then they also control the claims for the natural knowledge of God in question 2, and the burden of proof weighs heavily upon the nonscripturalist reading.

Conclusions about the Natural Cognition of God from Aquinas’s Romans Commentary

- 1 The paradigmatic use of the natural cognition of God occurs in Aquinas’s *Commentary on Romans* with faith (*fiducia*, *In Rom.*

1:21, §129) in the context of justice, piety, gratitude, and finally the infused grace of charity. (Justice and piety: *In Rom.* 1:18, §111; gratitude, 1:21, §127; charity as forming faith, 1:17, §§106–108; in Paul as exemplar, prol., §1; Rogers 1995: ch. 3.) This is the cognition of God that sacred doctrine uses and turns into wine (Preller 2004).

- 2 A defective use of the natural cognition of God occurs without faith in the context of injustice, impiety, ingratitude, and finally the direction of the will away from God. This is the cognition of God that historical Gentiles had according to the Romans commentary, a cognition of God that cried out for the grace of the gospel (*In Rom.* 1:16b, §97) of Jesus Christ (§102). Otherwise it is wine into vinegar. Is there no third, neutral use?
- 3 The Enlightenment imagines neutral human beings, neither delivered up to injustice, impiety, and ingratitude, nor religious enthusiasts; it imagines human beings who *disengage* their wills from their knowing. Aquinas does mention human beings “with no will to believe except on the basis of proof” (II-II.2.10 *ad* 1). Even the love of truth, however, is a movement of the will toward the good. Having no will to believe can, for Aquinas, only reflect a flight from the good, an aversion of desire from it. Those rational creatures with no will to believe except on the basis of proof whom Aquinas accords more than a mention are already those with no *will* to believe even in the *face* of proof. Those who wait upon intellectual coercion, until they are “in some way driven [*coacta*] by the evidence” are the demons who believe and tremble (II-II.5.2. *ad* 1). Even those who debate with *infidels* “not supposing the truth of the faith as certain,” or “*as if* doubting” commit a sin, although to do so for refuting errors (to the opponent’s good) or as practice (for the correction of the believing debater), is laudable (II-II.10.7c and *ad* 3).
- 4 But does Aquinas not in fact mount just such a neutral project in the *Summa contra Gentiles*? If Michel Corbin (1974) is right, the answer is yes and no.⁴ Aquinas mounts some such project, but he leaves it uncompleted. He changes course mid-work. Either he cannot carry it through, or he intends merely to adopt a *pose* of neutrality, switching later to a conceptuality incompatible with neutrality, and anticipates that of the *Summa*, which

exemplifies the first, paradigmatic use of the natural knowledge of God. Aquinas poses not as the deceiver who hides his own doubts, but as the teacher who takes up a temporary position to pull up from behind him like a used ladder. Aquinas begins in the *Summa contra Gentiles* with a strategic and temporary, self-consuming division of the truth into two modes. When he moves them toward coherence, however, he moves the use of the natural cognition of God away from neutrality toward the use that obtains under the conditions of faith. In so doing he mimics in the academic presentation of theology what happens in the life of a convert. The coherence of a life can be constructed only in retrospect. Similarly the penultimate (this-worldly) coherence possible for arguments asserting the proposition “God exists” comes only within sacred doctrine. Aquinas merely begins with a fragment that looks quite different in its final context. Either we must say that the *Summa contra Gentiles* executes its transition to another genre as an intentional rhetorical trope, one that seeks not to trick but to sublimate, and deliberately turns water into wine; or we must say that Aquinas allows the project of the *Contra Gentiles* to fall into a category mistake. If we grant Aquinas the charity of the first interpretation, we will see that the awkwardness of the transition comes from its prospective arrangement: in retrospect it makes sense. The miracle of water into wine makes sense, after all, only after the fact, when it forms part of a gospel narrative that seeks to tell the story of Jesus. From the standpoint of the water, if you like, the transition to wine is entirely opaque. The Enlightenment and its neo-Thomist critics mistook the project of the beginning of the *Summa contra Gentiles* for something that controlled the interpretation of Aquinas’s entire corpus, including the *Summa theologiae*, because it seemed to accord well with their own project. Perhaps it was all but inevitable that they should do so. But that *Summa* belongs to a manifestly different genre from that of the beginning (at least) of the *Contra Gentiles*. As Corbin (1974:705) puts it, “la projection de la problématique de la Somme contre les Gentils sur . . . la Somme Théologique est radicalment interdite.”

- 5 The natural knowledge of God in its integral form – objectively trinitarian and issuing effectively in justice, piety, and

gratitude – represents nature as completed and perfected by *grace* (*In Rom.* 1:20a, §122 with §§115 and 117; Rogers 1995: ch. 5). Under conditions of sin, the completion and perfection of nature by grace involve the redemption that comes to the *faithful*.

Some background is in order for a claim about the much controverted relation of nature and grace. As before, I follow Otto Pesch. Adam was created with nature *and*, out of God's superabundant mercies, in grace (I.95.1), or in "original justice" (I.100.1). Grace was not constitutive of nature, any more than standing upright constitutes a human body; but being stood upright was both a good *of* the body and a gift *to* the body, the loss of which could not be restored by the body itself. "Original righteousness is a good *of* nature, in that it neither altered nor added to its constituents; it is a 'supernatural,' 'gracious' *gift* to nature, because it cannot be made available by nature's own power."⁵ Like life itself (strictly, in terms of God's gift of a soul), it could be passed on, but not recovered once lost. The rational soul does not pass on "naturally," but God "confers" it (I.100.1c and *ad* 2). Pesch comes to a careful conclusion: The "essence" of original sin "does not consist, like actual sins, in the loss of grace . . . , but in the loss of the due harmony of nature [itself a harmony worked by supernatural gift]. Fallen nature is sinful not because it *has* no grace, but because it is *unready* – 'indisposed' – for grace" (1985:491). Likewise bodies once dead decay and are shortly no longer *disposed* for life or a soul. As a result Aquinas knows no cases of pure nature, neither ungraced nor unfallen, just as we know no cases of abstract bodies, in some state of suspended readiness for life, neither alive nor undecayed. Although both abstract nature and unsouled bodies present logical possibilities, the real possibilities are nature graced or failed, bodies living or decaying. This contrast shows up in the *Commentary on Romans* when Aquinas uses Paul's later life to exemplify nature in good working order (Rogers 1995: ch. 3), and when he uses Paul's Gentiles to exemplify nature *manqué*.

- 6 *Cognitio naturalis* is always and everywhere *cognitio naturalis gratia evangelica Christi* (my phrase in Aquinas's words; §§97, 102), or natural cognition by the grace of the gospel of Christ: for *without* the grace of Christ working in advance we would have died outside Eden. But it comes in two forms: "detained"

and redeemed (*detenta* comes in the Vulgate of Rom. 1:18, which Aquinas comments on at §§111–112, 127–130). At I-II.109.1 Aquinas affirms that a human being can have a cognition of something true without grace: This does not deny that a human being still lives and knows by the grace of creation, but it affirms some knowledge as possible without the grace of elevation (Rogers 1995: ch. 7). The two are one grace, one plan of God, broken in its execution by human sin. Concrete or alloyed (as opposed to pure) nature in *this* plan of God's (as opposed to some other possible plan that God did not choose) is nothing other than the grace of elevation working in advance, proleptically, under conditions of sin, to keep human creatures alive and functioning until God's plan proceeds; it is not a human power so much as a divine mercy, no less so if we fail to recognize it as such. As a mercy under conditions of sin it not only persists because God remains true to God's purpose; it is already God's *saving* grace. Otto Pesch puts it this way: "It is easy to overlook: the justification of the sinner is no 'new' dispensation of God's, but the carrying out of God's creatorly will over against the rebellious human creature. The dimensions of nature that remain undisturbed are therefore to be conceived of as the effectiveness already in advance [*Vorauswirksamkeit*] of the grace that saves" (1985:526). So nature cross-sections God's plan. We misunderstand it if we consider it on its own. We must take the viewpoint of the whole, whether from creation forward, or from the eschaton back. From creation forward Aquinas sees concrete nature as the persistence (in the face of obstacles) of God's gracious plan to take us beyond ourselves to be God's friends. From the eschaton back Aquinas sees concrete nature as the anticipation (despite obstacles) of that same plan. It would be odd (if not violent) for God to befriend human beings without respecting their temporal condition. Therefore we must not be surprised if God's purpose to befriend human beings causes some effects to foreshadow others (I.1.10). Glory follows grace just as what is first in intention comes last in execution (I-II.1.1 *ad* 1). After the fall, nature can be understood only in terms of what lies before and after it. Nature, under conditions of original justice granted and lost, is God's refusal to foreclose on the plan of creation, and God's refusal to prevent

elevation's anticipatory effects. Nature is a *place* for God to carry out God's plan, the scene for the action to begin. Thus Aquinas's affirmation of cognition "without grace" praises the persistence of God's intention even before its execution. It does not set human knowing apart from God. It affirms by courtesy what we may call *cognitio naturae detenta*, natural knowledge detained: Aquinas's affirmation does a knowledge that denies the glory of God, and fails to issue in gratitude, the courtesy of calling it by what it has been and might be. In calling it in virtue of what it has been, the affirmation accuses it of failure, and recalls it to its vocation. In so doing, the affirmation refuses to deny the cognition to the *intellect*, just so that it can assign the subtraction to the *will*.

We Gentiles have "subtracted from God's knowledge" (*In Rom.* 1:21, §127) as we have rejected God's aid, so that our knowledge fails to form us, as our nature fails to hold us upright. Through injustice and ingratitude we confine ourselves to *cognitio Dei subtracta*, that is, a cognition of God without ramifying or cohering as faith requires, without *fiducia* (§129). That is *because* we have been a *scientia Dei subtrahentes*, "subtractors from the knowledge of God" (§127), that is, holders of a cognitive habit without the deeds and attitudes of charity (*In Rom.* 1:17, §§105–108). Without Godward and God-given attitudes such as Aquinas finds in Paul (prol., §§1–3), we lose too the cognition's objective trinitarian coherence. For convenience we can invent technical terms that stick close to Aquinas's language. Call the defective form *cognitio detenta*, "detained knowledge," after the Pauline phrase "they detained the truth in unrighteousness" of Romans 1:18 (§§111–112, 127–130); or *cognitio subtracta*, "subtracted knowledge," since it subtracts from or demeans the power and *scientia* that God possesses, on which it should depend (§127). Call the full form *cognitio iustitia formata*, "knowledge formed by justice," to reflect the commentary's constant preoccupation with justice (occasioned by Paul's), and to show the parallel to "faith formed by love." Or call it more briefly *cognitio integra*, "integral knowledge," in contrast to *detenta* or *subtracta*; or *cognitio evangelica*, "gospel knowledge" (§103), since Aquinas makes *gratia evangelica* the theme of the entire letter (*In Rom.* 1:16b, §97); or call it finally *cognitio salutifera*, "knowledge

that bears salvation" (*In 1 Cor.* 1:21, §55). Or borrow Aquinas's description of what it is supposed to accomplish and call it "*cognitio vera* [true knowledge], which leads human beings to the good" (*In Rom.* 1:18, §112).

- 7 Aquinas says in the *Commentary on Romans* that we have the faith of which he speaks only under the condition of trusting God, although he does not exclude the possibility of *also* in appropriate cases trusting human reasons and natural signs; only they are *not yet* faith if they are *all* we trust (*In Rom.* 4:3, §327; II-II.2.2). They are precisely in that sense of "not yet" *preambles*. Contrary to popular belief, preambles are "pre-" not because they are foundational (in the sense of logically prior or more generally accessible), but because they are serviceable (in the sense of standing at sacred doctrine's disposal, Corbin 1974:741–743). They are things that may *become* faith, "manu-ductions," God's leading the faithful by the hand; they precede faith but need not. *Should* faith take them up, they contribute nothing additional to it except the good of human involvement, for faith *properly* so called depends upon nothing else than trusting God.

Both preambles and articles come into sacred doctrine under the conditions specified by their lying *sub ratione Dei* or by their status as *revelabilia*, things that could be revealed. That is, a verbally identical demonstration will function differently in the theology that pertains to metaphysics from in the theology that pertains to sacred doctrine (I.1.1), because the context that specifies the use and therefore the meaning of the words will differ (II-II.2.2 *ad* 3 on philosophers' use of the word "God"). The context proper to sacred doctrine is specified by the formal rationale of trusting God (I.1.3 *et al.*). The contrast between preambles and apparently demonstrated articles, or between serviceably and unserviceably demonstrated truths, however, is sharper. At I.46.2 Aquinas lists no fewer than *eight* apparently demonstrative arguments for the proposition that the world had a beginning instead of having always existed. Were the presence of a demonstrative argument enough, Aquinas would have to consider it a preamble that the world had a beginning. But Aquinas knows, as the *Summa's* prologue has it, that even demonstrations sometimes turn out to have an "admixture of error."

Therefore he does not rely on them, but on the creed. What counts as preamble does not depend upon what science demonstrates: “And this is useful to consider, lest perchance anyone, presuming to demonstrate what is of faith, should adduce insufficient reasons, which would provide material for ridicule among the infidels, finding us believing for such reasons the things that are of faith” (I.46.2, *De pot.* 4.1c). Since it is the creed rather than the state of metaphysics that tells Aquinas what is demonstrable and what not, he goes on to find errors in each of the demonstrations. He would have had to look for errors in the Five Ways, too – and would also have found them (Preller 1967:22–25, 108–178) – had his reading of scripture not reassured him that some such ways would work. Ridicule today would be justified only if Aquinas’s argument in I.2.3 actually depended on the demonstrations’ cogency. But it does not. It depends formally on trusting what God says (I.1.8), in Romans 1:20 (I.2.2sc), as I.46.2 depends on what God says as abbreviated in the creed. In both places we have demonstrations that Aquinas could accept. In both cases Aquinas is prepared in principle to find them mistaken. In both cases we do nowadays tend to find them mistaken. The fact that Aquinas tends to find one set mistaken and another set not has to do not with the contingent state of human learning, but with the authority of scripture, when well interpreted, to judge it (I.1.6 *ad* 2). Only if he judges it capable – yes in the case of whether God exists, no in the case of whether the world had a beginning – does he then use it “as an architect uses builders, a citizen a soldier” for the “easier leading by the hand” (*manuductio*) of our defective intellects (I.1.6 *ad* 2).

The Five Ways and natural law both count as theology rather than philosophy, and for the same reason. The Five Ways lead to God’s existence. The natural law leads to God’s will. And they do so according to the same verse of Paul’s. Specifically, both natural law and the Five Ways look like preambles to the faith. But they are not. They do not belong to the early logic of coming to believe. They belong to developed logic of belief, to faith making a claim upon the world. Or in sociological terms, to the community’s cosmology providing warrants for its structure.

This then is the difference between demonstrations that serve as preambles and those that do not: sacred doctrine's formal rationale tells Aquinas which secular arguments overlapping with sacred doctrine's matter will prove serviceable and which not. Preambles do not prove their own serviceability; that depends on how sacred doctrine treating them as "manuductions." The difference between the current interpretation of preambles in the *Summa* and others is that rival interpretations articulate sacred doctrine's scientific integrity from the bottom up. For rival interpretations, preambles provide the paradigms of demonstration which sacred doctrine lives up to. The interpretation defended here, however, reverses that order.

The paradigm of demonstration is the "demonstration of the Father" by Jesus Christ, "who, as a human being, is the 'demonstration' [*via*] stretched out for us into God" (I.2, proem.). Aquinas's uses of *demonstratio* and *demonstrare*, as well as synonymous instances of *via*, conform to the technical definition of analogy, so that Aristotelian demonstration becomes a secondary and subordinate analogate of the primary analogate, the demonstration of the Father by the Son (*demonstratio Patris*, I.42.6 *ad* 2). The general rule covering many instances of *demonstratio* – syllogistic, ostensibly identifying, miraculous, sacramental, and semantically identifying *demonstrationes* – is that "a word comes between the one demonstrating and what the demonstration is of [*verbum est inter demonstrantem et cui fit demonstratio*]" (*In Jo.* 5:20a, §754). If so, then programmatic remarks like those in the proemium to I.2 and the prologue to III can carry more freight than they usually do: "[Christus], secundum quod homo, *via* est nobis tendendi in Deum" and "Salvator noster Dominus Iesus Christus . . . *viam* veritatis nobis in seipso *demonstravit*." (I owe my attention to the latter to Alasdair MacIntyre; see also Rogers 1995: ch. 2, Preller 1967:253; Corbin 1980:109–158.)

According to the philosophy of science implicit in the *Summa*, it is other scientific disciplines that mimic *that*. The scientific character of other, Aristotelian demonstrations comes from the top down; to call Aristotelian and christoform arguments both "demonstrations" and both "scientific" is not equivocal, according to sacred doctrine, just because Aristotelian demonstrations too participate in the Logos by analogy. The "other" *viae* – *the*

quinque viae – do not represent the *paradigm* of demonstration, the Logos of God. To make the Five Ways corollaries of *Paul's* argument lowers the stakes; they presume to prove less; they become “extrinsic and probable” arguments (I.1.8) on which sacred doctrine does not rely. Rather Aquinas graciously takes them up into the realm of *revelabilia*, “revealables,” where God joins them by faith with the first truth they cannot otherwise reach. In so doing Aquinas *saves Paul's usage*, or the *litterae circumstantia*, the way the text reads or the way the words go; Aquinas saves *cognitio subtracta*. And in so doing he claims the world for the realm of *revelabilia*, he joins it to the integral realm of what God might reveal. The point is not that Aristotle stands outside the realm of the Bible, the things that *have* been revealed; the point is that Aquinas introduces Aristotle by the hand into the larger world of things that God *might* reveal, *revelabilia* – into the world that the Bible can absorb. Seeking demonstrations for the things one believes “under the conditions that faith requires” (II-II.2.2 *ad* 3) can “add to the merit of believing” (II-II.2.10). Seeking demonstrations with no will to believe except by proof resembles the “demons who believe and tremble” (II-II.2.5).

- 8 Since we have seen that the *cognitio Dei* functions only in the presence of grace, we learn something about the conditions under which we can have an Aristotelian science whose subject is God. For an Aristotelian science requires that propositions be put in order so as to deliver *effective* knowledge – “true cognition, which leads human beings to the good” (as natural law is *supposed* to do, *In Rom.* 1:20, §122). For Aristotle, a science *just is* that structuring of propositions – as in demonstrations – to form or structure the mind in accord with the form or structure of reality. For sacred doctrine, Aristotelian science requires some wrenching. Aquinas causes Aristotle's notion of a science to serve sacred doctrine and not the other way around. For Aquinas has set things up so that the more scientific it is, the more sacred doctrine looks to the gospel of Christ (Rogers 1995: ch. 2). Taking the Aristotelian concept of science “captive in obedience to Christ” (I.1.8 on 2 Cor. 10:5) requires the following further distinctions.
- 9 When the natural cognition of God becomes effective by grace, its effectiveness belongs on the side of faith, not *scientia*. The

same goes for natural law. For the love that unites the will to God forms the mind with faith (I.12.13 *ad* 1), so that faith can motivate and structure (infuse and habituate) the mind. Both the *Summa* (II-II.2.2) and the *Commentary on Romans* (*In Rom.* 4:3, §327) make a threefold division of the knowledge of God (Rogers 1995:166–180).

First, the knowledge of God is *neutralized* without trusting God (*credere Deo*). That is, when we subtract trust, the integral form cannot any longer form the soul or lead the will toward friendship with God. Second, the knowledge of God is *falsified* without love (*credere in Deum*), belief leading into God, or faith formed by love. That is, when we subtract love, a person's actions belie her well-formed statements. The crusader who yells "Jesus is Lord" while cleaving the infidel's skull shows how badly he misunderstands Jesus meant by lordship (Lindbeck 64). And finally, *cognitio Dei* is *diversified* in the presence of an Aristotelian demonstration. That is, when we subtract faith from a particular proposition, faith's *focus* narrows to what is more central to faith's friendship with God, without any change in faith's *act*.

The first question of the *Summa* confines *scientia* to the structuring of the *Wissenschaft* of theology, in virtue of revelation's objective reliability, and *fides* for the structuring of the soul, in virtue of the salvation's God-given gratuity. Aquinas grants the title of "science" to the *Wissenschaft* since it leans on the science of God and the blessed (I.1.2), while he denies that title to the habit, since sacred doctrine is a science unable to operate *by itself* to structure the soul; God operates in the mind by faith. Thus in this life sacred doctrine is a science without scientists. It is a science with believers in this life and scientists in the next.

Demonstration also differs in this account of cognition. Jesus Christ structures the discipline of sacred doctrine, since he is himself the real light, the new feature of reality, that demands a new real science. Jesus Christ (as a human being) becomes himself the primary demonstration in the proemium to I.2. He is himself the primary state of affairs to which other states of affairs point forward and back in Aquinas's account of how God arranges scripture to record real states of affairs to speak (I.1.10). At the same

time Christ structures the soul by dwelling within it. The intellectual counterpart of that indwelling, by which God unites us to God precisely as One unknown (I.12.13 *ad* 1; *In Rom.* 1:19, §114) is not *scientia* but faith. For Aquinas, sacred doctrine still counts as an Aristotelian discipline, because its first principles arise from a structure of reality, and those first principles enlighten cognitive habits of a person, even if those habits are first the habits of faith and habits of sight only in the next life. For Aquinas the real first principle, whether in the extramental discipline or in the intramental habit, is Jesus Christ, and he is also in his life its effective demonstration. Sacred doctrine assumes metaphysics into christology. Nor does Aquinas suddenly give up those painstakingly elaborated theological commitments when we arrive at natural law. Neither in the natural knowledge of God nor in the natural law does Aquinas fall into what pagan philosophers did “in the world,” but he pursues both as ways that *God* engages and involves us.

Aquinas is not kidding when he distinguishes, in the very first question of the *Summa* (I.1.1 *ad* 2) the formality of the theology that belongs to metaphysics from the theology that belongs to sacred doctrine. And yet Aquinas justifies applying “Aristotelian science” to sacred doctrine just by referring to Christ. For only by reference to Christ does sacred doctrine hold together the structures that coincide as Aristotelian *episteme*: the structure of reality, the structure of the academic discipline, and the structure of the soul to be formed in accord with its end and desire, in this case salvation (Rogers 1995: ch. 2).

Thus Aquinas is expressing much more than simple piety when he calls the humanity of Christ *via* and *demonstratio* (I.2, proem., III prol.). He transubstantiates Aristotle into christology-in-waiting. Those words fittingly refigure *scientia* for sacred doctrine’s disposal. They represent the language appropriate when sacred doctrine trains philosophy as *ancilla theologiae*. They do not merely turn water into wine, they make argument flesh.

Aquinas and Barth

In a commentary on Aquinas’s argument (Rogers 1995) I have tried to show, and in the first part of this chapter I have tried coherently

to assert, that the natural cognition of God functions properly – that is, is able to execute cognition’s proper office of shaping the soul – only in the presence of *grace*. Natural cognition of God *without* grace is an anomaly, a residual, defective “cognition,” so called only by courtesy that proves irrelevant to salvation except negatively, in increasing human fault and showing our cognition of God to be a *has-been*. Natural cognition of God without grace is a self-consuming artifact, unnatural, *denatured*, a paradox, a failure. Meanwhile, the praise of the natural knowledge of God without grace that some detect in talk of preambles I identified as a misreading based on taking the *Contra Gentiles* rather than question 1 of the *Summa* as the governing text; preambles (like the deliverances of natural law) function differently, I argued, in the last stage of Aquinas’s development (Corbin 1974:643–692, 705, 713, 741, 745, 759–760, 798–799). Aquinas transmutes them into faith. The cosmological arguments fulfill the charge of sacred doctrine to leave no part of the world God-forsaken. That takes better account of sacred doctrine’s claim to the integrity of an Aristotelian science.

A Barthian objection

George Hunsinger tries to “sharpen the contrast” between Barth and Aquinas by considering Aquinas’s three senses in which the justification of the unrighteous might count as a miracle (I-II.113.10): as something that only divine power can accomplish, as something that actualizes a possibility lacking to nature, or as something operating outside the usual order of cause and effect. The answers are yes, *no*, and it depends. Hunsinger thinks the second point “provides the best contrast with Barth.” Barth agrees that the justification of the unrighteous can occur only by divine power,

but disagrees that in justification (and thus in salvation) grace actualizes a possibility inherent in human nature. Barth considers justification to be a miracle in the very sense that Aquinas rules out. Indeed, Barth must do so, precisely because he disallows a key premise articulated by Aquinas in this text, namely, that “the soul is by nature capable of or open to grace.” (Hunsinger 46)

But that's because Barth imagines that nature and grace compete. For Aquinas, as we have seen, they are not rivals but friends. Nature is only capable of grace because grace has previously made it so: the gracing of nature is one integral gift that unfolds over time and in the face of obstacles. For Aquinas this picture does not impugn grace but lauds it. It preserves for nature the possibility of coherence, bears witness to God's steadfastly remaining true to God's own self, to God's creative purposes and elevating promises. It does not make grace a human creature but preserves nature as a divine mercy. Yet the standard charge is serious: "If this premise is granted as used by Aquinas, divine grace and human freedom must necessarily be conceived as interdependent in the work of salvation" (Hunsinger 46).

It is true to say that Aquinas *interdefines* nature and grace. That is because we cannot understand properly functioning nature apart from grace, and we cannot recognize nature, either as it concretely subsists in the faithful or as it concretely subsists in the unfaithful, without knowing what its *end* is, a purpose that God graciously *bestows* upon it in preparing to elevate it. This much any Barthian should grant: we ought to define nature in terms of grace because it takes Jesus Christ – as the true human being – to tell us what nature is. That is also why question 1 of the *Summa* insists on the good of a *praecognitum finis*, something foreknown about the human end – which is finally the humanity of Jesus Christ. The *praecognitum finis* is necessary for understanding nature in terms of what God has in store for it ("necessity in view of an end"). But to say that the conception of nature depends upon grace is different from saying "divine grace and human freedom must necessarily be conceived as interdependent in the work of salvation." That would be so only if human freedom contributed something independent in the work of salvation. But that contribution differs from cooperation, precisely because cooperation depends entirely on grace.

"Cooperation" language merely insures that humans do not do good unwillingly. Barth too requires that humans do the good *gerne*, eagerly; it does not change the point that Aquinas deploys a technical term and Barth a colloquial one. If God moves the motive, that does not impugn but praises grace: "our mind both moves and is moved . . . whence the entire business [*operatio*] belongs to grace" and not, that is, to us as opposed to grace (I-II.111.2c and *ad* 2).

The only alternative would be a sort of nature that could not undergo movement by God without becoming something else. Protestant thinking sometimes goes that way: anything moved by God must be by grace; grace and nature are mutually exclusive categories; therefore nothing moved by God can be natural. But such a nature would be almost incomprehensible to Aquinas. Nature cannot exclude grace. The sort of thing that could not undergo movement by God without becoming something else would be an *uncreature*, because a creature is made to be God-moved. Or natures made for God could not be moved by God as their end, so that they not only fall away from God, but escape from God into nothingness. The objection eliminates creation by making it something immovable. Creation is what-God-moves, as God is the unmoved mover. The objection, that is, resolves creation either into the sort of non-critter that a Manichaean evil would be, or into the sort of non-critter that God is (in a word I owe to Robert Gregg).

For these purposes, therefore, it is misleading to abstract nature from the context of the divine plan and the concrete, supernatural human end. Even if it is strictly possible to define nature apart from grace, nevertheless, given the *concrete* human ordering beyond itself, that is only speculation about how God might have treated humans if God had not loved them as God does. At least in sacred doctrine, which Aquinas defines to considers all things precisely as ordered to God (I.1.3 *ad* 1), nature cannot appropriately be defined apart from grace. Grace does not however for that reason get defined in terms of nature. Rather for that very reason grace remains independent of nature, just because nature could not exercise any independent causality over against grace. The only causality that operates toward God is the causality by which God, working either within or without the will, calls all creatures according to their natures into the divine communion. Barth makes that move too, when he interprets creation as the “external ground of the covenant,” and the covenant as the “internal ground of creation” (CD III).

Hunsinger would presumably press his point. He would say that the very language of “capacity” and “openness” surreptitiously defines not only nature but grace too.

The rejoinder to the point pressed makes both a concession and a demurrer. It is true that language constrains answers in terms of

questions. Human beings first understand the gospel stories – or the commandments of law – *in time*, for example, because they have learned language from their human parents. But that does not mean that the truth of the gospel stories or the significance of the concepts they convey depend *logically* on how they have learned certain truths or concepts. Rather Aquinas would say that even inherited truths or concepts *logically* owe their truth or helpfulness to their participation in the First Truth. Thus the fact that language makes the semantic range of words like “capability” and “openness” depend both upon what is open and what it is open to does not mean that the facts arrange themselves that way.

Second, Aquinas would defend the sense of *capax* as entirely grace-oriented. Hunsinger’s qualification “as used by Aquinas” undermines his case: the case fares better with the qualification “as read by others.” Aquinas denies that nature is capable of grace in the sense Hunsinger rightly fears, that of *finitum capax infiniti*, or the finite capable of the infinite. Rather Aquinas regards nature as capable of grace in the sense of *God’s* plan to save that which God created, or to carry through what God began. It is none other than God’s own purpose that God saves. Aquinas brings a quotation from Augustine to clarify the remark in just that way. “Naturally the soul is open to grace” gets glossed as “is open to God *by grace*.” If nature is open, that is because grace has opened it.

Hunsinger surreptitiously assumes that nature could be open to grace only by itself, since Protestants regard graced nature as a contradiction in terms. But Aquinas does not. Grace clears its own room. The word seeks to exclude the violence to nature that Barth also wants to exclude. But the misunderstanding, as we have seen, goes so deep as to need a reconceptualization. I propose two.

- 1 Hunsinger grants a concession earlier on the same page. It does not go far enough. It says:

Although human freedom is certainly [in Aquinas] in some sense conceptually subsequent to and dependent on divine grace, in another (if perhaps secondary) sense divine grace is nonetheless subsequent to and dependent on human freedom. By contrast, . . . Barth’s position on such matters is always one which

repudiates a scheme of conceptual interdependence in favor of a scheme in which divine grace cannot be understood except as conceptually prior to and entirely independent of human freedom.

Hunsinger might better have written not “by contrast,” but rather “in a similar way.” The “other, secondary sense” in which for Aquinas grace seems to depend on human freedom is just another way in which the usual suspects of the theology of controversy – cooperation, merit, preparation, perseverance, reason – become so many ways in which Aquinas takes an apparent pretension to human autonomy and finds grace instead. The language of subsequence and dependence tends finally to break down.

For as long as the language of divine and human “agency” prevails it becomes difficult to *sustain* their difference. They come to sound so much like two species of the *same sort of thing*. We do not want to give up the double language of agency – Hunsinger makes it, in a final chapter, his test case – but we misread Aquinas if we fail to see how at every opportunity he puts up roadblocks against the conclusion that in comparing divine and human agency we have two levels of the same sort of thing.

Take merit-talk as an example. “Merit” gets defined as if the dishes of a balance that would weigh us became buckets to uplift us (I-II.114). I take the images from George Herbert, whom I find almost perfectly to represent, willy-nilly, Aquinas’s integration of the biblical merit-talk into a *sola gratia* scheme:

Justice (II)

The dishes of thy balance seem to gape
 Like two great pits;
 The beam and scape
 Did like some torturing engine show;
 Thy hand above did burn and glow,
 Daunting the stoutest hearts, and proudest wits.
 But now that Christ’s pure veil presents the sight,
 I see no fears:
 Thy hand is white,

Thy scales like buckets, which attend
And interchangeably descend,
Lifting to heaven from this well of tears.

Aquinas too practices such reversals at every turn.

It is more helpful to think of Aquinas as treating the will as a *place* where God also works. Protestants tend to think of the will as a God-forsaken place. Aquinas thinks of the will as another locus of divine activity. Better: “the will” is the name for the place where God primarily addresses, engages, and involves human beings. “The will” is also the name for the place where human beings primarily rebel against God. *For that very reason* God’s activity in that place, God’s taking that field, salvation’s working out just there can only be the work of grace. Thus the dense and elegant formulation of Bernard of Clairvaux: “The entire work is in the will *precisely because* the entire work is from grace” (Bernard of Clairvaux, *De gratia et libero arbitrio* (*Patrologia Latina*, vol. 182, col. 1027), quoted in Küng 266). Thus too Aquinas places the law in the heart, when the Holy Spirit writes it there, overcoming the distinction between immanent and imposed in favor of immanence.

- 2 Imagine the nature–grace debate as about what class of stories in the gospel should explicate what it means to “hear” the word of God. Protestants imagine it this way: There are two candidates, the parables and the healings. The parables assume (except in Mark) an innate human capacity to hear and understand: The one who has ears to hear, let that one hear. So it makes sense to talk about a human faculty, analogous to hearing, that takes in the word of God, a capacity for grace. That, Protestants take it, is the Catholic view. But that view, imagine our Protestant continuing, is too optimistic. It takes no account of the stories in which the hearers notoriously *fail* to understand, and of the version in which Mark says (4:12) that Jesus uses parables so that the hearers will *not* understand. Mention is made of human capacity only to emphasize human incapacity. Mention is made of public parable only to emphasize the private explanations to the disciples, so as to preserve divine freedom with regard to who understands and who does not. So the parable model of human response to God’s word (or of the

human cognition of God), breaks down. Better to turn to another.

These Protestants, then, see themselves as preferring a second model, that of the healing stories. Protestants want to emphasize the *reversal* by which it is none other than the *blind* who see, the *deaf* who hear, the *lame* who leap for joy. Similarly in Mark it is never the disciples, even with their parable explanations, who are said in the indicative mood to “follow Jesus”: they are only commanded to follow, in the imperative, especially when like Peter they stray: “Follow after me, Satan.” It is not until the episode *after* Jesus’s sharp rebuke of Peter that Mark comes to say (10:52) of the healed Bartimaeus *alone* (whom Jesus had found blind and screaming by the side of the road), simply and without qualification, in the indicative rather than the imperative mode: “and he followed him.” (I thank Richard Hays.) It is *those* stories, the Protestant would say, to which we ought to turn to see what human capacities are like. There are none. The gospels describe them as *incapacities*: as blindnesses, deafnesses, lamenesses. They wait upon a miracle also in the *second* sense of the typology of miracles. To explicate blindness, deafness, and lameness as “openness and capability” flies in their face. The gospel knows eyes closed, ears stopped, legs crippled. Far better to take Barth’s tack: that possibility follows from actuality. Better to talk about the sight of the sighted than of the “sight” of the blind. The latter is what we have seen Aquinas up to in the Romans commentary: talking about the “cognition” of the ignorant.

That, I take it, explicates a certain sort of Protestant objection so far.

Aquinas has a rejoinder. First he would observe that it cannot be wrong to *speak* of things that we cannot understand. Biblical language bluntly defines the blind, the deaf, the lame in terms of the capacities they lack, even if it does, as everyone admits, take grace to restore them. When we hear about the “ears of the deaf unstopped, the eyes of the blind opened,” it is indeed ears and eyes that they possess, their own nature restored (I.94.3 *ad* 1). If we outlawed all talk of nature – of eyes and ears and legs – we might

misread the biblical healing stories as *contrary* to nature, as “bestowing” upon us *unhuman* capacities that could only *violate* us. Aquinas is afraid that in the absence of nature-talk the healing stories would read as if Jesus had bestowed on human beings not their own nature in return but powers alien to them: not sight but radar, not ears but antennae, not two good legs but six. Absent talk of nature, Aquinas would fear, it becomes hard to distinguish metanoia from metamorphosis, the gospels from Kafka. It is the absurdity of grace’s turning human beings into cockroaches, and not its independence, that Aquinas wants to deny when he says that the human soul is open to grace *naturaliter*.

Natural law, like nature itself, names a concept that belongs in a narrative of *healing*, and not a narrative of building up, not the two-story system of extrinsicism. That is a tower of Babel.

We can even say something about the positive point of Aquinas’s talk about human faculties in terms of these stories. The characters in the Gospel healing stories remain, by God’s prevenient mercy, able to *use the words* that form a request for healing even as they remain also *unacquainted with the state* that they request. The presence of Jesus prompts the blind to ask for sight even without having experienced it. So there seems to be a place for *talk*, for linguistic placeholders, even where we lack the discursive intelligibility of the *quid est* to which we refer.

The full integrity of this talk depends, to be sure, upon its coming from a person who enjoys *effective use* of the faculty mentioned. That’s why Aquinas says it takes Christ’s humanity to bring our potential to act (III.9.2; see Chapter 8). Similarly the full integrity of the cognition of God depends on the propositions’ inhering in a mind united by faith with the First Truth, and in that case the cognition is effective in the soul (is formed faith). But language retains a residual sense just when we know the *use* of the words (without the experience to which they apparently refer). (Most human language proceeds in this mode, which is why Wittgenstein is helpful.) It retains that residual sense not because truth inheres in words and propositions, but because the usage in the community is not *entirely* divorced from the reality wherein the truth inheres. The requests of the gospel blind, deaf, and lame to be healed make sense because the sighted, hearing, and walking keep those words

alive and in contact with the form of life in which they enjoy their full integrity. Similarly, talk of a natural knowledge of God or of God's law proceeds not because the cognition inheres in the propositions, or even, finally, because even one human being could, over a long period of time, reach some truth about God, and keep the community in touch with reality, but rather because *God* does not utterly abandon us. That God does not abandon us *utterly* means just that God mercifully preserves our nature from entire nonexistence. God preserves some community with us, even that of God's wrath (Vulgate: *ira*) – which Aquinas glosses as God's *vindicta*, “vindication,” or God's desire to vindicate God's promises (*In Rom.* 1:18, §110 and 1:17, §102) – so that we encounter the cognition of God that human beings have “by nature.” It is certainly not in virtue of something independently human which if not meaningless would have to mean that which refuses, *against* nature, to depend upon grace, and that which therefore blinds, deafens, lames, and kills – that God, according to Aquinas, preserves eyes, ears, legs, and lives. It *could not be*, as hyper-Protestants claim, that Aquinas has God preserve nature in virtue of anything other than its utter dependence on grace. It is in virtue of nothing other than God's plan that in the meantime we retain only miraculously usable eyes, ears, legs, and lives. God preserves the blind for no other reason than that they may see, the deaf that they may hear, the lame that they may leap for joy: in the same way God preserves nature denatured to be restored and elevated, cognition dead that as faith it may live and have life abundantly. That is the pattern that Aquinas seeks to preserve. Natural law, similarly, belongs to the plan of redemption, to which courts and lawyers can hardly contribute without becoming the priests of a state religion.

“Mainly, [Barth] believes, grace would not be grace – it would not be sovereign, free, gratuitous – if human freedom were not conceptually subsequent to and entirely dependent on it,” Hunsinger concludes. Aquinas believes that without qualification. Human openness to salvation, expressed either as unfallen reason or as willing cooperation, belongs on the side not of our contribution to a redemption from a sin wherein we cannot help ourselves, which is for Aquinas too a contradiction in terms, but on the side of the persistent mercy and faithfulness toward us of God in God's plan to elevate *this* creature, the very one whom God created open to

friendship with God, and the very one that rebelled against it. It is the *blind* who see, the deaf who hear, the lame who leap.

So far the Barthians.

***Assessing the hypothesis: Aquinas and Barth
in convergence on Romans 1?***

I pursue the comparison with a return to the *Shorter Commentary*. I confine myself to Barth's comments on 1:18–32, some six pages. They parallel longer discussions in the *Dogmatics*. Their brevity, their commentary order, and their commentary context parallel Aquinas's and give them great advantages for this purpose over the comments of the *Dogmatics*, without loss (CD II/1:118–123; I/2:304–307). Barth begins with a paragraph of rhetorical questions that he then devotes half the exposition, some three pages, to answering in the negative:

Does Paul mean a second or even a first revelation apart from the one mentioned in 1.17 when now he suddenly introduces a *revelation* of God's *wrath* against all the ungodliness (irreverence) and iniquity (insubordination) of human beings, viz. of the Gentiles (1.18–32) and the Jews (2.1–3.20)? Has he abandoned his office as a messenger of the Gospel for a while in order to speak in the first place in an entirely different capacity as a religious interpreter of the human situation as such, as a Christian student of the philosophy of religion and of history? This section has often been interpreted as if this were the case. Then that whole rather long section 1.18–3.20 would mean that Paul – as bad preachers are admittedly in the habit of doing – is leading off with a lengthy discussion of something quite different from his text, i.e. from the matter which he has already indicated clearly and unmistakably. Can we regard him as capable of that? (Barth 1959 [1956]:24; modified)

The practiced reader of Barth will gather the answer from the tenor of the questions, just as the practiced reader of Aquinas's articles can predict a lot about the *respondeo* from the objections. That Barth will reassert Paul's office as an apostle and his standpoint as one who confronts the Gentiles with the gospel of Jesus Christ

(27) is almost obvious. What is less obvious is why Barth perpetrates just the same sort of misreading against Aquinas as he ridicules in readers of Paul. Aquinas's advocates (including natural lawyers) and detractors (Barth chief among them) both act as if Aquinas had "abandoned his office as a messenger of the gospel for a while in order to speak in the first place as a religious interpreter of the human situation as such, as a Christian student of the philosophy of religion and of history." We have seen that the description applies no more to Aquinas than it does to Paul. That is also true for many of the same reasons. In fact we may apply Barth's defense of Paul *tout court* to his reading of Aquinas. That application generates a number of theses.

- 1 Barth like Aquinas makes God's wrath a form of God's grace. For Aquinas God's *ira* is God's *vindicta*, at once the self-justification by which God maintains the integrity of God's *promises* and the deliverance according to which God carries out the divine intention in creation (*In Rom.* 1:17–18, esp. §§102 and 109). From Barth, similarly, we learn that Paul "sees the Gentiles as well as the Jews in the reflected light of that fire of God's wrath which is the fire of [God's] love," and that that love has endured "for a longtime, yea always, since the creation of the world" (28).
- 2 Barth like Aquinas sees Paul as ascribing a knowledge of God to the Gentiles (whatever its status) in order to stake out a certain field. Aquinas wants to render all true human cognition incorporable into sacred doctrine, wants to treat all things as *revelabilia* (I.1.3) in order to leave no realm God-forsaken. Aquinas therefore proposes the natural cognition of God to answer precisely a question like Barth's, "How can the Gospel be God's almighty power (1.16), if the Gentiles could exculpate themselves by saying that God is a stranger to them, that they are living in some forgotten corner of the world, where God is not God or cannot be known as God . . . ?" (28–29). Both Aquinas (*In Rom.* 1:20a, §115) and Barth want to deny that question's presupposition. Yet Aquinas's concept of concrete nature, nature always already shot through with grace, finds its point and purpose precisely to articulate that denial. It is a nature from which God has never entirely withdrawn the grace

intended to elevate it, a grace sustaining the creation and here appearing as God's wrath: This nature is the "place" in which "the Gentiles" live, in which it would be as false for Aquinas as for Barth to say that "they are living in some forgotten corner of the world, where God is not God or cannot be known as God." That is the sense in which nature is graced, in which God refuses to leave human creatures alone. Barth imagines that that nature or place is otherwise for Aquinas; he continues to ask, expecting a negative answer, "if there were such a thing as a self-contained Gentile world, established, secure and justified in itself" (29). But Aquinas's concrete nature is precisely *not* self-contained, precisely not "established, secure and justified in itself," despite natural lawyers' best efforts to isolate it like that. Indeed we must deny the natural lawyers' world, a God-forsaken one, just to affirm nature as Aquinas does. To have security (*fiducia*) in ourselves and "ascribe good," or to justify ourselves is for Aquinas too precisely our Gentile sin (*In Rom.* 1:21, §129). Rather concrete nature is contained in grace, established in grace, and first secure and justified in grace, even if that grace first appears as God's delivering vindication. Barth's denial of *such* a Gentile world, a God-forsaken one, is the affirmation of a *natural* world, when we understand "nature" as Aquinas does. It is the world in which, Barth and Aquinas would agree, God's grace blows as *wrath* (*vindicta Dei*). And it is the same world in which, Barth and Aquinas would agree, God's grace blows as gospel (*evangelica gratia*, *In Rom.* 1:16, §§97–99), which is of Christ (§102). One world, one grace. Barth defines that world negatively as one unforgotten by the grace of Christ; Aquinas defines that world positively as one where the grace of Christ is necessary and sufficient (§109); so that even the positive definition belongs in the inalienable context of grace, and has never, as either tells the story, existed for its own sake.

Aquinas does that for natural law explicitly when he comments on Romans 2:14, where, as we have seen, Paul says that the Gentiles, who lack the law, do "by nature" (*naturaliter*) what the law requires. The *Summa* follows Augustine to add the qualification, "for the Spirit of grace works in this, in order to restore us to the image of God, after which we were naturally

made” (I-II.109.4 *ad* 1). In the *Commentary on Romans*, as we have seen in other chapters, Aquinas is even clearer (§216): To avoid the Pelagian heresy, “the word ‘naturally’ is to be expounded as ‘by nature reformed by grace’ [*naturaliter, id est per naturam gratia reformatam*]. [Paul] is speaking of Gentiles converted to the faith, who by the help of the grace of Christ were beginning [*coeperant*] to observe the morals of the law.” After referring readers to Augustine and warning them of Pelagianism, Aquinas seems to have forestalled modern natural lawyers even more clearly when this thought occurs to him, separated in the Marietti edition by a long dash: Even if you interpret “naturally” as “shown to them by the natural law what is to be done, nevertheless that does not exclude the necessity of grace for moving the affect, since also ‘by the law’ is ‘the knowledge of sin,’ as is said below in Romans 3:20, and in any case grace is still required (*et tamen ulterius*) for [Aquinas repeats] moving the affect.” So: for Gentile nature to function, grace is either present or required. For new natural law theory to function, too, grace must be either present or required, it’s such a Gentile thing.

- 3 Barth like Aquinas is able, when it suits him, to distinguish between effective and ineffective cognitions of God – and even to preserve the word “knowledge” (*Erkenntnis*) for the latter. “In spite of their *objective knowledge of God* they have not rendered to [God] the honor and gratitude they owe” (1959 [1956]:29). Usually Barth reserves *Erkenntnis* for knowledge as a concrete formation of the soul, complete with obedience and thankfulness, much as Aquinas reserves *cognitio vera* for the form that “leads human beings toward the good” (*In Rom.* 1:18, §112), which Aquinas’s commentary follows Paul to identify with justice (§112) and gratitude (e.g., *In Rom.* 1:8, §75; 1:21, §127); that is how it works in the *Church Dogmatics*, too. But here, evidently, he is open to Aquinas’s way of dividing things up, and he finds it useful, perhaps even necessary, to resort to it, precisely to do justice to the usage of Paul. And that openness – so rare for Barth to assert, so difficult for Barth to give an account of – is just the place where Aquinas anticipates the need of an articulate account and seeks, in the service of explicating precisely the necessity and efficacy and power of what he calls *gratia evangelica*, to supply one.

- 4 Aquinas like Barth insists that, as Barth puts it, “Paul does not dream of paying the Gentiles anything resembling a compliment and of trying to find in their religions some point of contact for the understanding of the Gospel; on the contrary he is merely and simply calling them to faith in God’s verdict” (28). That’s why Aquinas can turn around and characterize the cognition he has so carefully accounted for as one that effectively the Gentiles *lack*, because it paradoxically manages to leave them unformed. As Preller puts it, “Such ‘cognition’ of God that philosophy [including natural law] can produce is merely the clarification of what was there all the time – a felt ignorance” (Preller 1967:29 n. 41). That is why Aquinas insists on accounting for human natural cognition of God in its full, salvific, graced rather than residual and defective form, why he describes it in Paul himself as involving “all virtues,” as specified by charity (prol., §1), and why he describes it even at Romans 1:20 as objectively trinitarian, whether the Gentiles recognize it as such or not (§120): so that he has a contrast by which to render the Gentiles’ relative cognition defective and their relative ignorance culpable (*In Rom.* 1:21, §127).
- 5 Aquinas like Barth insists that this culpability leaves the Gentiles in a situation from which they cannot free themselves.

[Paul] starts by referring to the best the Gentiles have, or claim to have: their religion, which consists in one great confusion between the Creator and [the Creator’s] creatures. If there is any position from which no bridge can possibly be built to the Gospel, to the knowledge of the living God, then this is it! Human religion, as radically distinguished from belief in God’s revelation, always originates and consists in this confusion: in the mistaken confidence in which [human beings] want to decide for [themselves] who and what God is, which can only produce this confusion, that is idolatry.

This mistaken self-confidence is the actual object of God’s wrath. (Barth 1959 [1956]:29)

The contrast Aquinas makes, parallel to Barth’s, is the one he describes when he writes, “In their thoughts they became empty, insofar as they had trust [*fiducia*] in themselves, and not in God”

(*In Rom.* 1:21, §129) and when he says “For the Apostle appears . . . to touch . . . natural theology, which the philosophers in the world observe, worshiping parts of the world, and with respect to this he says: *And they worshipped and served the creature rather than the Creator*” (§149 *in fin.*). For the natural cognition of God is neutral only when Aquinas considers it in abstraction from the mind that holds it, and since Aquinas, unlike the modern analytic philosophy, defines truth not in terms of propositions but in terms of the adequation of a thing to the *mind*, that is a fairly odd thing to do. In actual human minds Aquinas evaluates the knowledge of God according to what use the human being puts it, which is to say the will, and there all the language of praise and blame is at home.⁶ So Paul could “pay the Gentiles a compliment” only with regard to their use of their knowledge; but they use it ill, “subtracting from God’s power and *scientia* . . . but rather they ascribed their good things to their own ingenuity and power . . . the light of wisdom having been taken away” (*In Rom.* 1:21, §§127, 129, 130). Here, Barth and Aquinas are at one in calling natural law idolatry.

- 6 Both Barth and Aquinas want to talk about a *refusal* of God to abandon human beings, which Aquinas explicates with the concept of nature and Barth explicates with his talk of a world unforgotten, as well as about a *delivering up* of human beings to their own sinful desires. Aquinas can make the distinction as one between the will that sin affects directly (the delivering up) and the relatively upright powers of reason that sin affects indirectly (the leaving unabandoned) in every concrete human being. Barth replaces distinction with dialectic, so that talk of God’s not abandoning the Gentiles to any place where God is not God gets juxtaposed with talk of God’s abandoning the Gentiles to their own desires. That dialectic preserves itself from contradiction just if we read it in Aquinas’s terms: the place where God does not abandon them is the place God’s grace sustains for them in their concrete nature, and by the grace of God it is in just that God-sustained place that their falling down occurs.
- 7 Barth like Aquinas insists that “human beings are without excuse, because, having the knowledge of God, they still do not render [God] honour and thanks as God. It is unquestion-

able that knowledge of God is here ascribed to the human being in the cosmos, and knowability is ascribed to God" (CD II/1:119; translation modified). Of course this knowledge, in Barth as in Aquinas, is no independent knowledge, but depends, for Barth, upon the "revelation of the grace of God in Jesus Christ," as for Aquinas upon the *evangelica gratia Christi*. And for Aquinas as for Barth it proves effective only as that knowledge is "fundamentally surpassed, but at the same time also included, in a higher knowledge, and, despite its limitation, raised into this higher knowledge" (CD II/1:116) – much as for Aquinas too the natural cognition of God is taken up into sacred doctrine by the technical means of parsing it as *revelabile* or *manuduction*, subordinating it to the primary demonstration in the humanity of Jesus Christ.

- 8 Both Barth and Aquinas affirm that what God primarily reveals is God's own self in Jesus Christ. For Barth Jesus Christ is the primary form of the threefold Word of God, incarnate, written, and preached. For Aquinas Jesus Christ must also be the real, light-giving aspect of the Revelation to ground the new *scientia* of sacred doctrine as other revelations grant to other Aristotelian disciplines the first principles that give them rise. As earlier chapters have interpreted the *Summa's* account of "proceeding from first principles," sacred doctrine is no deficient science for proceeding from Revelation: it is rather for that very reason a proper science, indeed, science *par excellence*. To proceed from first principles means, in the *Summa's* version of Aristotle, to proceed from formal "revelations." All science arises from small *r* revelations; sacred doctrine too arises from a revelation; therefore sacred doctrine counts as science, even science *par excellence* (Rogers 1995: ch. 2, sections 3–4; Corbin 1974:717–718). For both Barth and Aquinas scripture is the place from which one mounts arguments, for Barth as the second form of the Word of God, for Aquinas as the propositional form of the first principles to which sacred doctrine must attend and return in order to exercise its scientific character. And for both Barth and Aquinas the scripture witnesses, whether as the Word's secondary form, or as *scientia's* propositional aspect, to Jesus Christ as the Logos, the argument that absorbs all others. True human words from the secular sphere "are true in their supposed and

implied, if not always immediately apparent, connection with the totality of Jesus Christ and his prophecy, and therefore as they indirectly point to this, or as this indirectly declares itself in them” (CD IV/3:123, in Hunsinger 264). That statement could well serve as a summary of the move that *Aquinas* makes in articulating sacred doctrine’s overarching unity and integrity in question 1, or in construing *cognitio naturalis* in the context of God’s delivering wrath and the gospel grace of Christ in Romans 1. This is all by no means to deny that large and important differences remain between Aquinas and Barth. But it is to say that they are differences that distinguish different human beings on the side of the angels, rather than one on the side of the angels and one on the side of the Antichrist. To find Aquinas and Barth in convergence in their commentaries on Romans – not just on any book, but on *Romans* – is to find them in convergence in the place where for both the *Summa* and the *Dogmatics* the account of the natural knowledge of God is at home. It should dispense, too, with many objections that Protestants may still harbor toward that account. *Spitzenleistung*, indeed!

The account raises new objections, to be sure. To explain how both students of Barth and students of Aquinas came to agree on their divergence would require an account of how both Barth and Vatican I represented opposing responses to Kant. That is a topic for another day (Rogers 1995: epilogue).

Notes

- 1 This chapter first appeared as Rogers 1996. It follows Rogers 1995: ch. 7 with bits from ch. 6 and elsewhere.
- 2 Citations from Karl Barth’s *Church Dogmatics* (1936–1975) appear by volume, part-volume, and page number of the English translation. Hence CD II/1:127 here means *Church Dogmatics*, vol. II, first half-volume bound separately, p. 127.
- 3 The “Paul” in question may or may not differ from the “Paul” delivered by historical criticism; I mean a figure with enough in common with the traditional reading that both Aquinas and Barth would recognize an appeal to him as authoritative and potentially challenging.

- 4 The diachronic reading of Aquinas, which distinguishes the project of the *Contra Gentiles* fairly sharply from that of the *Summa theologiae*, depends on Corbin 1974. He devotes a couple of hundred pages *each* to the methodological parts of Aquinas's great treatments of theology, *On the Sentences*, the *In Boethium de trinitate*, the *Contra Gentiles*, and the *Summa theologiae*. The argument in this book, therefore, is limited to the last *Summa* and its period, from which the Romans commentary also dates. For textual and exegetical support of the interpretation of the *Contra Gentiles*, see Corbin 1974:643–691 and Rogers 1995: ch. 1 and the excursus to ch. 6.
- 5 Pesch 1985:489, citing for the first clause CG IV.52; *In Rom.* 5:12, §416; *De malo* 4.2 *ad* 1; and I-II.85.1; and for the second I.95.1c; I.100.1c; *De malo* 4, 1c *ca. med.*, 4.4 *ad* 1, 4.8c, 5.1c; and CG IV.52.
- 6 Hunsinger (255–256) sums up Barth's objections to natural theology like this: It advances three "unfortunate things: falsifying abstractions, neutral generalizations, and nonexistent capacities." But in Aquinas, I have been arguing, grace makes abstract nature concrete; the analysis of an act particularizes and evaluates generalizations to leave neutrality behind; and Aquinas speaks of ideal or nonexistent capacities precisely to follow Paul in something like the way that Barth himself attempts to do. Aquinas affirms their nonexistence not in terms of simple absence, but in more complex terms of ineffectiveness and culpability – which is the point of their nonexistence.

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How Faith and Reason Follow Glory

Aquinas's positive account of natural law depends on a religious premise scarcely admissible in court – the Holy Spirit writing it on the heart of believers. This chapter recasts earlier issues in larger terms – those of the Trinity. Does Aquinas leave the Holy Spirit free to blow where it wills, allow human habit to constrain the Spirit, or reject the alternative? Exemplary are the ways in which grace initiates the human creature into the trinitarian life, and in which Aquinas preserves the trinitarian pattern that (in a formula of the ecumenical dialogues) the Spirit rests upon the Son. Occasional references assimilate the recent encyclical Fides et ratio to this approach, suggesting a relevance to the most recent deliverances of the Catholic magisterium. Natural lawyers assume that we and not God own redeemed nature. But on Aquinas's terms faith and reason both make sense only in the light of glory. They do not build up from below, but glory suspends them from above. Political arguments appealing to Aquinas on natural law take sides in a Protestant–Catholic or even intra-Catholic dispute about nature and the Spirit. That dispute is needless, even (or especially) after the late twentieth-century encyclical Fides et ratio. But it one for theologians, not justices.

Controversy

Protestant skepticism about Thomas Aquinas, as we saw in the previous chapter, focuses on his doctrine of grace.¹ Protestants

worry that Aquinas has too high a view of human nature, that grace is so reliable as to impugn divine freedom, so that humans could exact grace from God. Proof of the Pelagian defect is supposed to be Aquinas's reliance upon Aristotle, the natural philosopher par excellence. Protestant complaints about Aquinas's semi-Pelagianism can be disposed of as depending upon the misunderstanding of a technical term. When Aquinas says "nature" without the possessive adjective, he means integral nature, which is elevated by grace. (For a terminological distinction between integral (graced) and defective nature, see *In Jo.* 6:44). Otherwise, and quite rarely, he says *natura sua*, one's own proper nature, abstracted from the way it really is, suspended in grace. The soul is by nature-elevated-by-grace capable of or open to grace, or by grace open to grace. The fact that nature opens to grace is a contingent grace that God did not need to grant, but did, just as God created Adam and Eve in grace, though God need not have.² The openness of nature to grace, and the grace "itself" are not two graces, one domesticated and one given, or one given and one taken for granted. Rather they belong together as a singular, integral grace, God carrying out his creatorly will over time and among contingencies, a grace rendered dynamic and courteous to creatures (Balthasar).

That terminological rarity in Aquinas, *natura sua*, abstracted from grace as a contrary-to-fact conditional, is the real object of new natural law, one that its adherents regularly confuse with the integral nature that Aquinas calls *natura* without further remark, but which means nature alloyed with grace. When new natural lawyers refuse this interpretation of Aquinas, they renew the cogency of the old charge, so that even Ratzinger can use the phrase "pious Pelagianism" (Rowland 383).

Yet Aquinas still needs to be explained, not case by case, but so that such claims stand in a context less likely to offend Protestant ears. The issue is a large one: Does God continually intervene in justification, or does God delegate power to the human being so that we could boast? Protestant detractors such as Hunsinger, who have come a long way in acknowledging that justification in Aquinas is always by grace, nevertheless fear that the language of habit makes grace our own possession. Protestants like Barth sound as if they believe that God intervenes so continually in creation that they have no cause to use the word "nature" at all, except to make a false

claim upon grace. Treating the *kontroversiologische* issues either *seriatim*, or in the context at most of grace and nature, faith and reason has sometimes failed to persuade. The issues turn finally upon a trinitarian question about how Son and Spirit relate – a question, happily, on which Protestant and Catholic agreement is growing, in dialogue with Eastern Orthodoxy.

Trinity

Protestants and Catholics alike often sum up the end of the human being with God in a word, “salvation,” that arises from the starting point of a movement. Conceptually, “salvation” is defined by what we are saved *from*. It often leads Christians to foreclose the end of their movement toward God prematurely, as if “redemption from sin,” or “reception of grace” were the end of the story. Christians may divide human beings into two groups, unsaved and saved; or they may consider two states, nature and grace; two habits of mind, reason and faith; or two varieties of good works, splendid vices and infused virtues. Catholics may accuse Protestants of ignoring the continuity, and Protestants may accuse Catholics of ignoring the break. But for both the second member of the pair tends to become the unitary goal: salvation, faith, grace, even good works. Grace, in a word, is it.

Yet grace too is *for* something, Protestants and Catholics alike admit if pressed: grace is for glory, life in God. Thomas Aquinas preserves, indeed insists upon, a threefold movement, nature, grace, and glory. The first two make sense only in light of the third. Difficulties about continuity and discontinuity, nature and spirit, habit and intervention become insuperable only in isolation from the Triune God who naturalizes and inspires, habituates and intervenes with us, who kills and makes alive. Faith and reason, the good works of the justified and the splendid vices of the pagan all make sense as proleptic human participations in the life of the Triune God, as anticipations of that “participation in the divine nature” promised in 2 Peter 1:4. It is only by God that we know God, and only by God that we do good, as it is only by God that we participate in God. As in the early christological controversies, so here: only God saves; only God divinizes; only God reveals God. And

God's revealing is just the beginning of God's divinizing. In faith and reason and every good deed God is revealing – as Karl Barth and Vatican II agree – Godself. In faith and reason, grace and nature God is beginning to bring us to God's own self, into God's very life. In faith and reason, grace and nature, God anticipates glory. Although that way of putting the matter may sound Eastern Orthodox, it might just as well be Calvinist; in the first question of the Westminster Catechism, too, it is "the chief end of man" to "glorify God and enjoy him forever," as it is also for Thomas Aquinas.

Even the Catholic Church no longer interprets natural law in the anti-Protestant way, but in this one – and it adheres to a reading of Romans compatible with the one offered in this book. Or so I argue here. It is the great merit of *Fides et ratio* that it too makes hints in that direction and admits of interpretation in that light. There are two ways of reading the encyclical. One takes the exposition of Romans 1 to indicate a charter of reason, of human independence from God. That is to read the encyclical against the grain. Rather, according to a second, more charitable and more accurate reading, reason descends from faith, and faith from glory, and glory from the Spirit of Truth. On that reading, we start from the Spirit of Truth and the invitation to join in the Spirit's glorification of the love between the Father and the Son. Everything depends on sharing in this fellowship, which is participating in the divine nature. From friendship in and with God comes fellowship with Jesus and other people. Reason develops Aristotelianly from living in community with others, and counts therefore as a gracious, merciful leftover from and anticipation of the great communion which is life with God. Reason and faith both derive, at a greater and lesser remove, from the trinitarian fellowship, the friendship of and with Jesus, and the community that celebrates his thanksgiving. Martyria is the form that friendship and thanksgiving take in the face of evil.

On this reading, Romans 1 is a story of the culpable failure of reason because the Gentiles had detained the truth in unrighteousness and ingratitude. Although "we *could* say that this important Pauline text affirms the human capacity for metaphysical inquiry," John Paul II implies, let's not. Rather, let's say "reason became more and more a prisoner to itself" (§22).³ On this reading, even when the pope speaks of philosophy as inquiry and science, when

he speaks of a set of traditions and a perennial conversation, he means what's implicit in transcultural convictions, in habits and ways of life, so that he is not doing epistemology, he's doing moral psychology. It would be impossible to do epistemology, since "natural knowledge had lapsed into idolatry" (§36). Thus the important part about paragraph 27 cannot be certitude, but must be *desire*. In paragraph 31, truths cannot be reached *alone*, but must be reformed in community. In paragraph 33, the search for truth becomes at last a search for "a person to whom they might trust themselves." Moral psychology returns such notions to their proper place in community and among friendships, chief among them the community that makes up the triune life. By the time it is safe to write that "certain basic concepts retain their universal epistemological value and thus retain the truth of the propositions in which they are expressed" (§96), the word "universal" has been glossed by the diversity of Acts 2 (§71), and the word "epistemological" has been interpreted by the life of Christ, so that the encyclical rejects nineteenth-century pretensions even if their language survives.

In Aquinas, likewise, faith and reason are characteristically human modes of adherence to the First Truth and, in the First Truth, to God's creatures. Human creatures may adhere to the First Truth however only by attraction. "No one comes to the Father except one whom the Father shall draw" (John 6:44). Human creatures participate in that truth when the Holy Spirit draws them into the Spirit's own characteristic activity of bearing witness to – of glorifying – the love between the Father and the Son. (I mean the formulation to be neutral as to the *Filioque*. The Spirit bears witness as an independent trinitarian Person: not a mere *bond* of love, but a *witness* or *celebrant* of it, whose characteristic activity makes love new.) Being drawn into the Spirit's own proper activity anticipates already here on earth the dancing day at the wedding of the Lamb, a dance which participates humans in the trinitarian perichoresis, drawing them to the Father already in this life by giving the name of the Son to the community gathered by the Spirit. It is the eternal mission of the Son (compare Barth on the Son's eternal election) to author human holiness in time by elevating our reason (I.43.7). It is the eternal mission of the Spirit to inspire human holiness by enlarging the heart (I.43.7). Because God graciously gives Godself,

the entire Trinity (I.43.5), to dwell in the human being as in a temple (I.43.3), God can be the One known in the knower and the One loved in the lover; *for this reason, God can engage and enlarge the human being's own characteristic powers of knowing and loving without ceasing to be their entire activity* (I.43.3). As in Barth (Athanasius, Augustine), so in Aquinas: the human being does not know and love God, except by God. God's own knowledge and love of God might exclude us, since God is complete without us, possesses all riches in Godself; God has no need of us. Nevertheless, by grace, God creates – and, grace on grace – includes us. God's own knowledge and love, by the incarnation of the Son and the work of the Spirit, come to flow, circulate, or dance also through us. When this happens, God's participating us in God's own self-knowledge and self-love does not cease to enjoy its trinitarian form. How could it, since it is God's own? God sustains God's knowing and loving of Godself *also through us*, graciously taking up into Godself the finite and sinful medium that human beings are. In that way God sweeps us up into participation in God's own trinitarian life. Bringing about God's self-knowing and self-love also through us, Father, Son, and Holy Spirit preserve their character, and characteristically enact themselves. Part of that pattern reflects in the economy characteristic relations in the Trinity. As it is the office of the Spirit within the trinitarian life to witness, celebrate, and feast the love between the Father and the Son, so the Spirit also prepares the world to celebrate the Son, in the prophets, in the Baptist, in the womb, in the desert, on Mount Tabor, in the Last Supper: in all these activities, we see the Spirit preparing the wedding of the Lamb. As it is the office of the Spirit within the trinitarian life to witness, celebrate, and feast the love between the Father and the Son, so the Spirit also rests upon the Son in the world, in the words of the prophets, the baptism in the Jordan, the temptation in the desert, the transfiguration on Tabor, in the eucharist and the sacraments from first to last. In all these things the Spirit prepares and rests upon the Son below in a temporal activity that leaves the trinitarian love not without a witness, not without a celebrant. It is no necessity of obligation, but it is a delight of character, that the Spirit, on the pattern of Romans 8:11, can scarcely resist incorporating human beings too into the testimony and celebration of the trinitarian love. Thus Aquinas sees the pattern also in us, that

the Spirit prepares for and rests upon the Son. The Son and the Spirit are sent for no other purpose than for the gift of grace making graced – for beginning human participation in the trinitarian dance (I.43.3).

Knowledge of the Son

In Aquinas the “knowledge of God” comes down in the incarnation of the Word and bounces back up in the life of grace, which is the law of the Spirit. Complicated medieval epicycles attribute four skills of knowing to Christ (III.9). As God, Christ must enjoy the factitive omniscience of the Creator; with the Father and the Spirit, Christ is the only comprehensor. As human, Christ must enjoy all created perfections: so he is learner, prophet, and beatified. These four cognitive skills – comprehending, learning, prophesying, and beatific seeing – do not conflict, not least because in Christ divine and human are no rivals, do not compete. They work in concert rather because they perfect four different powers, not the same one. As comprehensor, Christ exercises the power of the Almighty to create, heal, forgive, resurrect. He cannot do those things by learning. As learner, however, Christ follows a discursive structure of composing and dividing that begins in sense impressions received in the ordinary human way. God the comprehensor of all does not “ordinarily” receive information by light on the eyes; it is no part of divinity to do so, but of the divine humanity. As prophet Christ receives visions of eschatological justice infused apart from sense impressions into his human mind.

The skill of knowing most important for salvation is the beatific seeing. (Cf. *Fides et ratio*, §10, “Contemplating Jesus as revealer.”) Not only as God, but also as perfected human being, Christ continually enjoys the beatific vision, or regards God and all creation with joy. He enjoys a *human* share, to which other humans are destined, in God’s own vision. He does not do this as comprehensor: it is something that he receives from God in his humanity. It is something for which he depends utterly on another. He does not receive it as learner. The human experiences of suffering and death do not lead to it. Indeed part of his suffering is that experience and death seem to lead so far away, that because as beatified he may

not retreat, that because as beatified he also *passus et sepultus est*. Christ's enjoyment of God is not a rival to his obedience unto death. Christ's enjoyment of God is not only received but also *enacted* in his obedience unto death. "Blessed are those who . . ." Beatitude below as above is a received *activation* – in Aristotle precisely an unimpeded activity fulfilling a purpose – the activity of love, and in Christ's case therefore also suffering. Beatitude characterizes the whole life of Christ, because Christ performs his whole life in obedience to his purpose. "For human beings are brought to the end of beatitude by the humanity of Christ" (III.9.2). This is the *tropos* of his character, that what he undertakes is what he undergoes. As Athanasius might have put it, he knew as human, that we might know the divine (Dahlke 1).

Just so this *tropos* of the Son corrects an intellectualistic distortion of Christianity that finds vision all too Aristotelian. The human being desires to understand, in Aristotle, and in Aquinas; and earth like heaven is rendered sterile in mere contemplation. But that is to divide what Aquinas unites. For the union of knowledge and love is guaranteed and enacted not, to be sure, by human persons all too prone to separate and sterilize them, but by trinitarian persons for whom separation and sterility are impossible. Thus already in the mission of the Persons we read how the Son instructs (prepares) us *for a breaking out of love*. Why? Because the Son is not just any kind of Word, but a Word breathing love (I.43.5 *ad* 2).

Just so Christ's suffering is not the whole story, as it would be were he mere learner, temporary prophet, and comprehensor inaccessible to the human creature. Unlike the other cognitive skills, to see beatifically is the destiny of the human creature. Unlike prophecy, it is not temporary. Unlike learning, it is not swallowed up in suffering and death. Unlike divine comprehension, it is no unshareable power of the Creator. The beatific vision is, by God's gift on gift, a *human* potential, the perfection of the human love of God which the Spirit works in our hearts while fulfilling, not violating them. That Christ enjoys this gift, in technical Aristotelian language, reduces potency to act (III.9.2). In enjoying the beatific vision, Christ begins in us what we could not begin in ourselves. Like life itself, similarly, seeing with beatitude becomes a power of the creature only as a gift *to* the creature.

To mix physical and parental metaphors: The beatific vision is like a gift on a high shelf that the human child cannot reach. Its height it gives it a certain potential energy. Yet the child cannot actualize that potential energy from below. The parent above must actualize it. Once the parent brings down the gift, however, it becomes “actual” to us. It can be shared. Actual to us here below, the light of glory becomes the light of faith.

The beatific vision, or seeing God with joy, is thus possible on two levels. It is theoretically possible – God can give it if God wants to, without exploding (“violating”) the human creature. In Christ, however, the gift is actually, irrevocably given. A human creature enjoys full fellowship with God. After Christ, this fellowship becomes shareable among humans. It is shareable among those who participate at a distance in the life of Christ, the whole form of which was enjoying God, even the suffering. We do this by taking on his character, sharing in the community gathered in his name, and partaking in the breaking of the bread by which the body of God breaks itself open for us. It is thus that Christ’s human beatitude reduces to act also for us, active in the gift of faith.

The Law of the Spirit

Another Protestant worry arises here. Protestants may misread the previous section by supposing that if Christ only gets the process started, human beings can continue it by their own power. In that interpretation, Christ becomes mere precondition. But that objection ignores the trinitarian role of the Spirit. When the Father sends the Son, he does not send the Son alone, but with the Spirit. That pattern obtains also among those whom the Father will draw to himself in the Son. The Father does not abandon us, and the Son sends us a Comforter. Human beings are never left alone, when they are initiated into the trinitarian communion. To imagine that the Son begins something that the Spirit abandons denies the trinitarian pattern that the Spirit abides with, rests upon, and witnesses to the Son, even in those who belong to him. Protestant worries about Aquinas are not really about anthropology but misunderstand the depth of his trinitarian thinking – at worst they mistrust the faithfulness of God’s trinitarian acting.

So the trinitarian God does not leave us alone with the work of Christ, but initiates us into the trinitarian community, the love stronger than death, perfected in the *koinonia* of the Spirit. It is characteristic of the Triune God not only to come down to us, but also to bring us up to Godself. Aquinas describes this movement in terms of grace. But grace just is the Holy Spirit dwelling in human hearts and writing a new law upon them. When we bless God, we are doing what the Spirit does in the life of the Trinity. When the Spirit writes a new law on our hearts, it comes out in human acts, and therefore habits, which are as new, and as reliable, as the Spirit. The movement from the human creature up to God is no independent human movement, but belongs within the movement from God to God by which the Spirit adds a new song to the love between the Father and the Son.

Aquinas takes up a Pauline expression when he defines grace as “the law of the Spirit.” Consider the glorious piling up of characterizations in Romans 8:1–11. We read first of “the law.” As if to confute those who would divorce the spirit from the letter, it becomes “the law of the Spirit.” In case anyone would think that law, or another spirit, had gotten the upper hand over liberty, Paul goes on to specify it as “the law of the Spirit of life.” And lest that be just any spirit of life, any biological vitality with its Darwinian laws, Paul characterizes it finally as “the law of the Spirit of life in Christ Jesus.” That is then the passage that Thomas Aquinas chooses as rubric for his tractate on grace. He wants to affirm, I think, that grace is a *structure that liberates*. It is no *nomos*, which gives rise to an antinomian rebellion. Rather, it completes, it consummates *the life in Christ Jesus*. As Anselm wrote so beautifully in *Cur Deus homo* (2.4), “God would complete what he began.” As a structure that liberates, it is the consummation of Torah, the law of Psalm 1 that is “a delight to walk in,” of the songs of the Spirit, what completes human beings not measurelessly, but humanly, from measure to measure.

As the giver, not of legalisms, but newness of life, the Spirit appropriates two features of human nature that Protestants hate to see deified. They are reason and habit – the structure of knowing and the reliability of love. In appropriating these, the Spirit takes hold of the human being all the way down, and redeems us in a

bodily way. For both reason (composing and dividing) and habit (a settled disposition to act) depend upon sense impressions and temporal sequence, that is, upon bodies.

Protestants may say, But wait! Reason and habit are the very places where the human rebellion against God takes place. Reason, in Luther's famous phrase, is the devil's whore. Habit is where sin persists even in the justified. Is it not a perverse denial of what Niebuhr called the only *empirical* feature of Christian doctrine – namely sin – to speak of the work of the Spirit in reason and habit, of all places?

Aquinas's reply, I think, would in this case accord with the famous line of Bernard that we have seen before: "The entire work is *in the will*," Bernard wrote, "just because the entire work is *from grace*" (*De gratia et libero arbitrio* (*Patrologia Latina*, vol. 182, col. 1027), quoted in Küng 266; emphasis modified). Will and grace, reason and faith, habit and spirit are not rival agents (Tanner 48). While Aquinas would not want to deny that human beings are agents, he would want to deny that they are agents of such a kind as to rival grace. Bernard's language of agent and *place* locates God's agency in a human field – under conditions of sin, in a human battlefield. Reason and habit *must* be the places where grace works, *just because* they are the places where sin reigns. This is a matter of what Aquinas would call *convenientia*, or fittingness, the suitedness of the story to the case, indeed evidence that God enjoys a sense of dramatic irony. Catholics tend to express God's dramatic irony with the words of the vigil, *Felix culpa, quae tantum ac talem meruit Redemptorem*, "O happy fault, that merited such and so great a Redeemer." Protestants can express God's dramatic irony in the observation of Luther that God insists on working *sub contrario*. It suits God's sense of dramatic irony to take the worst that human beings can do (with their wills, their reason, their settled dispositions to sin), finally their crucifixion of the Son, and use precisely *that* as the means of salvation. That the sacrifice of the cross, and the great thanksgiving, should come together in the eucharist represents the church's participation in and celebration of God's work, that God makes the worst that we can do the occasion of our benefit. As it is in salvation history, so it is in the cure of souls. The Father elects reason and habit

– the very places where we rebel – to be the places where the Spirit redeems. How indeed could it be otherwise?

The Spirit in reason

As we saw in previous chapters, everything in Aquinas's tractate on grace happens by grace, except one. It is not possible to repent of sin but by grace, to receive grace but by grace, to merit further grace but by further grace, to persevere in grace but by grace, and so on. But it is possible to know truth without grace.

It is a misunderstanding to regard this exception in Aquinas as in the encyclical as a human claim upon God. Rather, it is a concession by God to the sinful creature. It is a concession – a mercy – a grace. Reason is that gift which remains because, like salvation history, it works over time. God has left the gift that is appropriate to the reception of his further gifts. Otto Pesch has put it best: Reason is the *Vorauswirkung*, the effectiveness in advance or the effective anticipation, of the creatorly will for the grace that saves (526). Reason is not a demand that turns a gift into a given, by which we extort something from God on the basis of an exalted creaturely status; reason is a part of the human destiny to glorify God, which God gives us in advance. John Paul II cites Aquinas to this effect greatly against the grain of much handbook Thomism when he quotes the line “Whatever its source, truth is of the Holy Spirit” (§44; I-II.109.1 *ad* 1).

Again the clue is the reason of Christ, the principle of his human learning (cf. §11). Christ learns, to glorify God. Christ learns language, to sing psalms in a humanly appropriate way. Christ learns to preach and give thanks. Christ learns to argue with the religious authorities by composing and dividing; he learns to teach in parables. He learns to lay hands on the sick, to wash his disciples' feet, to quote scripture to the devil, and to expound it to his disciples. The rule is that Christ in the incarnation does divine things humanly and human things divinely, or divine things by human means and human things with divine result. In this his reason serves his faith as his faith enacts his vision. In learning he does a divine thing – he glorifies God – by human means. In learning he also does a human

thing – composing and dividing, preaching and ministering – with divinizing results.

In this light various flaws of the encyclical appear in the best light. Political gestures – like the sly modal of “we *could* say” that Paul praises metaphysical inquiry – are overwhelmed by the great Thomistic descent of glory to faith to reason, the Spirit of Truth returning us by the Way to the participation in the First Truth. If human reason receives too philosophical a narrowing (end of §61), or if Spirit and Law are contrasted in a supersessionist way (§68), or if “eclecticism” or “pragmatism” are defined in unimaginative ways, these flaws shrink to little if indeed “The very heart of theological enquiry will thus be the contemplation of the mystery of the Triune God” (§93).

The Spirit in habit

Protestants worry that habits give too much continuity to the creature. Before defending that continuity, I note two ways that Aquinas’s habits are just as eventful as human action in Barth. In Aquinas, virtuous habits depend upon God’s constant intervention for both their origin and their every working out. Good habits are nothing other than the gently condescending courtesy of grace, or the robust, insistent humanity of God.

Luther falsely imagined Thomistic habits, informed by theological virtues, as built up by our own natural powers alone. That is a supposition that the language of *infused* virtues is supposed to block. If all human action, to be human, is habitual, then it is habitual in two ways. One, all human acting *arises* out of structures or pathways previously laid down; two, all human action *builds or blazes* such structures or pathways. An infused virtue is a grace not previously worked out by a human being, from which real human acting arises. If a human being does a good deed, therefore, the habit from which it arises must be a divinely laid-down one. The infusion of virtues insists upon and protects the absolute prevenience of grace in the transformation of the human agent. Any human building up of true virtue must have a divine intervention behind it. Infused virtues settle dispositions to act, not because we have so disposed ourselves, but because God so

disposes us. In Irenaean fashion, God respects our time- and body-boundedness by working within them, habitually. Indeed, every divine intervention, if it leaves any trace at all in the human being, must leave a trace as an incipient habit (Victor Preller, in conversation). If God transforms the human agent without violating the creature, then God dramatically or gently changes human habits. For Aquinas that is not controversial, just analytic. If God redeems human beings, God habituates them.

Is God's work then just the first intervention, leaving humans alone to work out their salvation on their own? By no means! Precisely in Aquinas God's intervention is constant, unceasing, and eventful. Aquinas signals it with a much controverted word, *auxilium*. Non-Latinist Protestants see it translated as God's "help" and imagine that *auxilium* is a matter of God and the human being engaged in Pelagian or semi-Pelagian collaboration, God and the human being pulling on the same rope. Catholics see the same word and think of sixteenth-century controversies about the mechanics, physical or otherwise, of God's intervention. Neither the Protestant reduction nor the sixteenth-century inventions are helpful.

I believe Aquinas does use *auxilium* as a technical term (an unpublished paper by Michael Lockaby confirms this impression), but not one hitched to much of a *theory* about how it works. *Auxilium* is a technical term in the pragmatic sense that it always does the same work. Like "infusion," it marks the spot where God intervenes – powerfully, sovereignly, redemptively – in human acting. But also like "infusion," it is an unknown \times marking the spot where God intervenes. It marks this spot much as the Barthian word "event" does. A theory would only obfuscate the simplicity of the claim, Here God acts. This claim is a mystery in the strict sense, an act of God that surpasses human understanding not because it is absurd, like evil, but because it so dazzles with *good*. God's *auxilium* sustains a mystery, as if it were too good to be true: that God acts in human beings, in such a way that they also act – analogously, on their level. It is part of God's mercy and justice, that God gives human beings to participate in good works – all God's work – so that God does not leave humans out of their salvation, but involves them in it. In *auxilium*, God bears, carries, moves, engages, enlarges human wills. The correct translation is not "help,"

a word that truthfully expresses God's courtesy and nonviolence toward us, but remains far too weak. A better translation is "engagement." There is no good human act without God's ongoing, eventful engagement of it. Of such acts God's act is causative. If human agency is also causative, that is precisely by God's gracious granting of an analogy between our goodness and his, a participation which is already a share in God's own life and agency, since only God is self-standingly good, and human beings are good precisely in leaning on God. The gracious and unexacted event of God's grant of such an analogy or share is God's *auxilium* or engagement of human creatures in God's act.

The Ecumenical Future of Faith and Reason

What does that account suggest for the further working out of a theology of faith and reason, nature and grace of help to Protestants, Catholics, and Orthodox alike?

- 1 Faith and reason are both effects of the Triune God's destining human beings for fellowship with Father, Son, and Spirit. (Reason might have been an effect of the Triune God's destining us for an Edenic life without that fellowship, but that is a different story from the biblical one.) Therefore theology ought to focus on the human destiny to share God's life, whether it names that sharing in Protestant, Catholic, or Orthodox terms as calling, beatific vision, or theosis.
- 2 Faith and reason name ways in which the Triune God can engage and involve human beings in that activity of self-revelation, self-communication, and self-interpretation by which Father, Son, and Spirit know one another in exchanges of gift and thanksgiving. In knowing God human beings come to trace the path of the trinitarian dance, a virtuous circle, in which God the Father is revealed by God the Son to God the Spirit, so that they come to be related to the Father by the Son as the Spirit prays in us in sighs too deep for words. Therefore theological epistemology ought to focus on ways in which faith and reason derive from the relations among the Persons of the Triune God.

- 3 The light of faith and the light of reason are derivative, secondary lights that anticipate, reflect, and exist for the light of glory. “Glory” is the light by which the Holy Spirit manifests the love of the Father and the Son. In it human creatures come to participate in the Holy Spirit’s own proper work of witnessing, already in the Triune communion, to the love of the Father and the Son. That means first pneumatology and second perhaps sacramentology, since baptism, eucharist, ordination, and marriage are all ways in which the Spirit catches up into the witness of the love between the Father and the Son. Faith and reason are therefore not opposed, but articulate nearer and remoter ways in which the Holy Spirit joins human beings to the Spirit’s work of celebrating the love of the Father and the Son.

Notes

- 1 This chapter first appeared as Rogers 2005.
- 2 I-II.19.1 and 85.1 with I.195.1 and I.100.1c and *ad* 2. As earlier chapters have rehearsed, grace is both a gift *to* nature in such a way that it becomes a good *of* nature, as life to a body which it cannot give or restore to itself (Pesch 489).
- 3 Citations from the papal encyclical *Fides et Ratio* are by paragraph number.

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How Aquinas Makes Nature Dynamic All the Way Down

Aquinas Meets Judith Butler

Both Aquinas and Butler treat “nature” as a principle of change and a body as something that calls forth more language. I take up two cases where natural law seems to provide content rather than form, namely in Aquinas’s accounts of lying and lying with a member of the same sex – places where contemporary thinkers could exploit Aquinas’s “natural” demand of the body for language to urge sexual minorities to come out. Aquinas is no essentialist of the sort that the modern essentialist–constructivist debate decries, but his Aristotelianism causes his concept of nature to build in performance and change all the way down.

The Construction of Natural Law in the *Summa* and the *Commentary on Romans* 1

In past chapters I argued that Aquinas’s methodological commitments open up a wider space for debate on substantive moral issues.¹ In this chapter, I ask the question: Does Thomistic space stretch widely enough to accommodate critical gender theory (e.g. Butler 1993, 2002, 2011)? And I consider a significant objection – is there an objective truth of the body to match the objective truth that Aquinas ascribes to language? What, in short, do lying with words and lying with bodies have in common?

In Chapter 1, I noted that Aquinas devotes some 200 pages to the virtues for every page he devotes to natural law (six in a standard edition), and that he prefers to settle concrete disputes about what is to be done with appeals to the virtues of a character rather than the laws of a ruler. There are at least two places, however, where Aquinas seems to favor an appeal to natural law over an appeal to the virtues: lying and same-sex sexuality. Can these two cases restore a natural law that dictates content to morality? I relate his discussion of same-sex sexuality to his discussion of lying, and the analysis of lying applies differently to modern and medieval conceptions of same-sex activity, however evaluated.

In the preceding chapters I argued that Aquinas *mentions* same-sex sexual acts in his *Commentary on Romans* for the most obvious reason, but one that often goes unstated: because Paul does, and Aquinas is trying to follow Paul's reasoning. Aquinas bases his *account* of same-sex sexual acts in the Romans commentary penultimately on natural law but ultimately on the virtues of justice and gratitude. The vice against nature is God's punishment for Gentile injustice and idolatry (*idolatriae poenam*, *In Rom.* 1:28, §§151, 153; v. 24, §139). Indeed, idolatry is a "holding truth captive in injustice" (*In Rom.* 1:18, §§111–112). Liberation theologians can now appeal to Thomas Aquinas to claim that human beings cannot reach correct intellectual conclusions under unjust conditions. Rather, injustice leads human beings to mistake the truth about what is natural (*In Rom.* 1:18, §112). That claim will not *settle* any debates about natural law, but it may complicate and enrich them. For it makes social justice crucial and allows disputants to differ on what justice entails.

That is so not least because no one will now hold *Aquinas's* view of how social justice relates to same-sex activity. In the *Commentary on Romans*, "the vice against nature" does not originate as an independent sin, but a punishment for *previous* sins of social injustice, a punishment causing the unjust society to die out – in this case, idolatrous Gentile societies. According to Aquinas (who seems to have learned this from the rabbis), God began and increased the practice of the vice against nature among Gentiles just as they began and increased the practice of idolatry. The beauty (*convenientia*) of it is, that idolatry kills itself off (*In Rom.* 1:27, §151).

In the very biblical passages, therefore, that Aquinas elsewhere adduces as the *warrants* for arguments about natural law and the virtues, natural law turns out to be (as I argued in Chapter 6) no *independent* source of knowledge. Natural law is here epistemologically *subordinate* to the virtues, because Aquinas reads Romans 1 to make same-sex relations follow from injustice. Following Paul, Aquinas tells a story in which ignorance of natural law follows a lack of justice. Here, natural law shows itself at bottom a biblical rather than secular discipline. In the presence of injustice, it loses its effectiveness to become a self-consuming artifact, a nonfunctional, feckless knowledge, a knowledge *manqué*. Proponents of same-sex marriage can argue, for example, that those are conditions of social justice without which the truth about same-sex relationships can hardly emerge. Textual resistance to such a revisionist usage of Aquinas's reasoning arises less from his view of nature than his view of scripture. But that is another argument (Chapter 7).

Theses on Aquinas and Butler

The account lends support to a nonstandard but textually compelling series of observations about Aquinas's use of natural law that sharply distinguish it from almost all modern uses.

In the *Commentary on Romans*, human beings cannot expect to reach correct conclusions about natural law under conditions of injustice – so that Aquinas's account unexpectedly allows different uses by those differing on what justice and gratitude entail. Although there is no budging Aquinas from his conclusion about the illicitness of same-sex sexual acts, in his *Romans Commentary* the account depends upon two premises that modern readers, whether they agree with his conclusions or not, are unlikely to share: same-sex sexual activity, before it is a sin, is a punishment for prior social injustice; and as such it should occur among Gentile idolaters, but not among Jews – or Christians.

Thus natural-law thinking in Aquinas is far less “essentialist” than its modern successors, because he makes natural law's effectiveness depend on habits of virtue, that is, in postmodern parlance, upon a performance. As long as “performance” means thorough, repeated,

intensive formation (rather than falsehood), Aquinas need have no problem with it. Indeed, insofar as human beings know natural law, they not only themselves perform, but they also participate in a performance of God's: natural law is the this-worldly performance of God's prudence, God's own virtue in act. As we participate in God's prudence, natural law is no *independent, totalizing* source of knowledge, but part of a flexible set of moral habits. Aquinas defines the natures in question not Platonically as essences off in some ideal space, but Aristotelianly as *internal* principles of *change* (Lear 15–26). They differ from modern essences then in two further crucial ways. As internal principles, they express what is our ownmost; they do not constrain but empower us. They are immanent rather than imposed (Oakley 13–35). And they are principles of *change*, not static but dynamic through and through. Thus we know them not by introspection, not directly, but indirectly, by observing ourselves operate (I.87). That is, we know them from our *performance*. Natures, in other words, summarize, extrapolate, infer, and generalize from performance. “What one must characterize theologically as a piece of the doctrine of God or of creation appears philosophically as transcendental reflection” (Pesch 294–295). In the Aristotelian order of knowing, performance comes first. Properly understood, therefore, Aristotelian natures cannot oppress in the way that Platonic essences can. To be sure, anything fallen can oppress. But not everything that can oppress oppresses in the same way.

For those and similar reasons, Aquinas's realism is not a Platonic essentialism, but learns enough from Aristotle to escape much of Butler's critique. She has herself written that “I do not mean to rehabilitate Aristotle in the form of Foucault (although, I confess, that such a move intrigues me, and I mention it here to offer it as a possibility without committing myself to it at once)” (Butler 2002:224; I thank Joseph Naron).

I assert theologian's license to sum up in theses.

- 1 Form is dynamic, not static.
- 2 Nature is “an inner principle of change” (Lear 15–25) that abbreviates performance.
- 3 The human being knows herself only by observing her own activity (I.87), or performance.

- 4 Knowing takes place over time, in language, and in community (by reference to justice, *In Rom.* 1:18, §109; I-II.57–58: to the *maiores in fide*, II-II.5.3 *ad* 2, II-II.5.4; *per longum tempus, et cum admixtione multorum errorum*, I.1.1).
- 5 All language rests on analogy, or “appropriate equivocations” (Preller 243), so that it cannot foreclose further demands for language.
- 6 God is unimpeded activity, or boundary-crossing performance.
- 7 Nature is defined by form, matter, and privation (*De prin. nat.* 2) – or, being translated into the terms of critical gender theory, by construction, that which calls for more language, and the constitutive other.
- 8 Form (“construction”) defines both matter and language. It applies “indifferently to minds and things” (Irwin 7).
- 9 First principles are never of the Cartesian, foundational sort. They always appear in the context of an explanation. For that reason Aquinas does not only admit, but says explicitly that they are “positioned,” that is, they occupy a *positio* (*In Post. anal.* 1.4.7; Chenu 71–73 n. 1).
- 10 Matter requires more language, and language materializes bodies – both through form, which works out of a dynamic (*dynamis*, power) indifferently in words and things.
- 11 The attention to habit is attention to the persistence or iterability of a performance.
- 12 Iterability turns the spatial into the temporal.
- 13 The truth of bodies is that bodies matter in more ways than one; that is, they signify, and in so doing they call forth language; the truth of language is that language matters; it calls forth and materializes bodies. Or, in Aristotelian terms, metaphysics considers that which is as *intelligibilia*, that is, for humans, as linguistically constructed. But that which is does not come before intelligibility; rather, intelligibility and that which is both arise, equiprimordially, from form, or construction.² So words bring bodies into the street, and bodies in the street call for new words. Aquinas and Butler agree that sexuality is all tied up with language, and language is all tied up with sexuality.

That brings us to the latter part of this account, one in which language and sexuality come together. Is it the case that animals do not lie, and do not lie with members of the same sex, for a similar reason?

Lying and Lying Together, or How Do Bodies Tell the Truth?

A second oblique approach to Aquinas on natural law turns to his account of lying. In the *Summa*, Aquinas almost always bases his account of a vice, in Aristotelian fashion, on its corresponding virtue. At least twice he departs from that procedure. Both times he appeals to the law of nature rather than the virtues. The odd cases have never become important to a comprehensive account. Both anomalies resonate most powerfully *not* with the natural theory of Aristotle, but with the unsystematic remarks on nature of Paul's Epistle to the Romans. As far as I know, no one has previously noted this anomaly in print (I thank Jeffrey Stout and Victor Preller). The cases are the vice against nature and lying. The vice against nature is said to depart from the "natural" use of sex by animals to propagate the species. In like manner, lying seems to depart from a natural use of expression by animals. At least in passing, Aquinas regards animals as unable to express something different with their bodies from what is in their minds. When humans do so, is it therefore "unnatural"? (Or does lying not rather represent a use of the distinctively human capacity to imagine alternative realities?) Does Aquinas's analysis of same-sex activity go the same way? Does he regard sex as communicative on the model with language, so that sexual sins miscommunicate as falsehoods do? If so, what difference would the recent concept of sexual orientation make?

In comparing the nature of lying with lying against nature, I may be making more of the "against nature" language than Aquinas himself would, because many of his interpreters make much of it. In the last paragraph I used the passive "is said to depart" because Aquinas owes the language of departing from nature to the language of an objection (I-II.94.2, obj. 2). The question asks whether all

acts of virtue are in accord with natural law, and the objection points out that only some vices are called vices specifically “against nature.” In reply, Aquinas supplies the rationale for a prior linguistic usage that does not particularly fit with his way of putting things, but has biblical and traditional support. In the corpus of the article, Aquinas catalogs the view in two lines, but does not reason from it (I-II.94.2 *post med.*). The *Commentary on Romans* uses the language of *contra naturam*, but differs from modern versions in lacking the concept of a homosexual orientation. Same-sex sexual activity is something into which “human beings,” and not just homosexually oriented people, may be expected to fall as soon as God removes the grace that prevents them; strictly speaking, same-sex sexuality is as (un)natural as falling (*In Rom.* 1:24, §139; 1:26, §149). Those scruples stated, I proceed with the comparison because other scholars take the “against nature” language seriously.

In the *Summa theologiae*, Aquinas classes lying as a “vice opposed to the truth.” It is also one of those *contra* vices: it is enunciating something contrary to what the mind adheres to as true (II-II.110.1). Aquinas does not use the phrase *contra mentem*, but we may invent it: as lying is *contra mentem*, so lying with a member of the same sex is *contra naturam*. For Aquinas, as the vice against truth counters the nature of the mind, so the vice against nature counters the truth of the body. Indeed, lying is unnatural: “For since spoken words are naturally signs of things understood, it is unnatural and undue that people signify by voice that which they do not have in mind” (II-II.110.3).

When Aquinas comes to explicate this contrariety further, however, an ambiguity opens up. The contrariety becomes inordinance, a matter of degree rather than direction. “Lying has the sense of sin not only from the evil that it inflicts on the neighbor, but also from its own *inordinance*” (II-II.110.3 *ad 4*). Aquinas says this just where the harm to the neighbor is hardest to see, that is, when someone tells a lie to save a life. Reasoning from a sin’s inordinance echoes loudly in the treatment of the vice against nature. Aquinas treats the vice against nature as a vice of *luxuria*, or inordinance par excellence. Inordinate words – words out of accord with things signified – parallel inordinate luxury. In the discussion of luxury, Aquinas shows a strict understanding of the Greek *para phusin* that underlies the Vulgate’s *contra naturam*. The Greek speaks of some-

thing precisely *beyond*, rather than contrary to nature, a sin of excess – just as Aquinas’s classifies it. Lying too exceeds something: an excess of words, it exceeds one’s true state of mind. What is the problem with that excess, and how does lifesaving count as excessive? That question goes unanswered. The section on the vice against nature raises a similar one. In both cases Aquinas’s decision seems to elevate the rightness of the act itself over the practice of virtue, indeed the virtue of charity. Here deontology rules. Yet in the very next article, charity decides whether the lying is mortal or not. The tension is palpable. Aquinas stresses that lying to save a life is not mortal (to the liar!): how small a step to say, not a sin at all? Or a sin only because one finds oneself (why?) trapped in a situation with no innocent solution? Aquinas will not say these things. Lying to save a life may be mortal after all, to the one to whose detriment one refrains from lying.

Under the sin of hypocrisy Aquinas explains further. The objective wrong of lying departs from the principle that “the exterior work naturally signifies the intention” (II-II.111.2 *ad* 1). It is in the nature of truth that “signs concord with things signified” (II-II.111.3 *ad* 2).

Lies of the genitals resemble lies of the tongue because both are better described as acts of the whole person; actions of tongue or genitals can both make the whole person a liar. An *actus* is the voluntary act of a human being (I.82); *actio* is activity in general, including the movement of a body part. *Actio* qualifies as a person’s act when we can make it intelligible by assigning it an intention (a distinction I owe to Victor Preller, implicit in the Latin but confused in translation). In I-II.18 Aquinas asks precisely when human operation (*actio*) counts as voluntary human agency (*actus*) under an intention (*ratio*). Judith Butler is constantly asking the same question: What is a performance *doing* with a particular iteration of a culturally available move, or what is the intended act in the undifferentiated action?

The commonality between lies of tongue and genitals seems most apparent when Aquinas indicates that animals do not or cannot lie. Speech manifests or enunciates something by a rational act conferring a sign upon something signified (II-II.110.1). “Whence even brute animals manifest something, although they do not intend the manifestation, but by natural instinct they do something upon

which manifestation follows” (II-II.110.1). That seems to imply that animals do not lie. But the remark is subtler than that. Aquinas does not say that animals do not lie because they form no intentions to mislead, or because animals naturally tell the truth. Rather, animals can neither lie nor avoid lying, because animals form no intentions at all. (Can they form no intentions because they can barely imagine alternative futures?) They form instincts. The mention of animals is by the way, and not what one might expect. The truth-telling animal plays no role in the argument; the instinctually manifesting animal comes as an extra. The nature in the background here is not the nature that human beings share with animals, but the nature that distinguishes them from animals. Because humans form intentions, because they confer signs intentionally on things signified, they retain a moral responsibility that animals lack. That does not look like modern natural-law argument at all, but it looks a lot like Aquinas.

At last the vice against nature differs from the vice against truth. The vice against nature counters – or sometimes exceeds – the nature of the human being as animal. The vice against truth counters – or sometimes exceeds – the nature of the human being as human.

And thus arises another problem. Aquinas defines the natural moral law as human participation in God’s eternal law *by reason*, and (nonhuman) animals, by the definition of “human,” do *not* use reason. God governs animal natures by instinct, not by their participation in the *reasonableness* of his rulerly prudence. Aquinas famously defines natural law as the human, rational participation in God’s eternal law (I-II.91.2c *in fin.*). It is much less often noted that, since other animals are not rational, “The natural law is given to *human beings*, not to the other animals: the most important transformation since Antiquity” (Pesch 294 on I-II.91.2 *ad 3 in fin.*). That is because Aquinas develops “the teaching about the natural law, like that about the eternal law, on *theological* grounds,” so that (as we saw in Chapter 2) “The *philosophical* result of Aquinas’s teaching claims that *there is no natural law*, in any case not in the sense in which it is claimed, as a catalogue of prescribed and obligatory directions of content that bind each human lawgiver” (where “lawgiver” means rational agent; Pesch 294; his emphasis). The eternal law of God is not “natural” to irrational animals, because they do not govern themselves by a prudence analogous to God’s

(I-II.91). Rather, as sometimes noted, the human mind knows with certainty only the first principle of natural law, that good is to be done, evil avoided (I-II.94.2c). Indeed, German and American scholars now argue independently that Aquinas's account of natural law serves rather to give the conditions for the possibility of the success of virtue (Pesch 294–295). God's prudence so bounds contingency that misfortune cannot finally defeat the happiness of the virtuous (Bowlin).

In that context the appeal to animal nature seems almost out of place. Aquinas can hardly appeal to the law of animal nature, because that's instinctual; the law of human nature is rational, and animals only simulate it. The appeal to animal nature seems to elevate the simulation of reason over the actuality. A tension appears between Aquinas's acceptance of popular phrases and his official theory. Of course, humans have animal natures that they rationalize: but if the paradigm is using our mouths to talk or our genitals to worship God in such practices as circumcision and celibacy, the changes that rationalization makes emerge unpredictably.

Otherwise, the mention of animal activity can count as a remark only quoted in theology from biology. Biology, like metaphysics, stands outside theology's formal rationale, a discipline from which sacred doctrine may not mount its own, proper arguments. Arguments from biology, as from metaphysics, count merely as "extraneous and probable" in sacred doctrine (I.1.8; on *probabilis*, see Deman). Sacred doctrine treats them as foreign matter. Should it take them in, it includes them ad hoc, or as "extraneous," and without vouching for their truth, or as "probable." What authority they may possess, sacred doctrine does not recognize, except by courtesy. Nothing in sacred doctrine can depend upon arguments extraneous and probable.

For Aquinas to be true to his lights he has to (not discard or ignore but) *bracket or transmute* certain appeals to experimental science – a claim that will sound queer to both conservatives and liberals as they usually argue. On the conservative side, one would expect that natural law marked the *continuity* between human beings and animals, and that therefore one could argue from animal behavior to human behavior. It may indeed mark continuity, but we cannot know that *in sacred doctrine* by the arguing from animal behavior. That move marks the argument as one in biology. The

argument from biology might indeed be part of the warrant for modern natural-law theorists who must elide Aquinas's commitment to the scriptures because they are trying to use natural-law theory – as he did not – to generate agreement where disagreement is widespread. Where disagreement is widespread, they dare not appeal to scripture for fear it would expose the exercise as sectarian rather than secular. In the modern period, the whole *point* of the appeal to natural law is to provide an apparently universal, extra-scriptural basis for a morality traditionally based upon scripture. But Thomas Aquinas will have none of it. Aquinas has the confidence of one who can assume that all his readers accept the authority of scripture, and who also regards the best available natural science as subject to change, and that furthermore the hierarchy harbors deep and sometimes theologically justified suspicion of the best available natural science, as represented by Aristotle.

On the liberal side, one would expect that critics could gain leverage against traditional natural-law theory by pointing to the incidence of homosexual activity among animals, or undermine the essentiality of the sexes by pointing to the incidence of various hermaphroditisms among human beings (Bagemihl, Roughgarden). Detractors might find it ironic that modern natural-law theory opens a space to counter rather than learn from natural science. In his bracketing of natural science Aquinas again resembles Butler. Both demand that scientific disciplines reveal their political commitments – where “political” means what sort of community they serve.

When Aquinas remarks that animals do not lie, has he temporarily abandoned a commitment to properly theological argument, to argument based on scripture? If so, we could simply throw out the comment that animals do not lie.

On the other hand, Aquinas may have a scriptural warrant that goes without saying. If so, he adduces extraneous argument to illustrative effect, while his actual premises lie elsewhere. A prohibition against lying appears in the Ten Commandments, and a prohibition of the vice against nature arises from a reading of Romans 1.

One strain of thinking about the relation of natural to biblical law in Aquinas, prominent in the German-language discussion since the mid-1960s (beginning with Kluxen 218–241), but less

known in the Anglo-American context, makes much of Aquinas's extreme underdetermination of the natural law, and his specification of it by the Ten Commandments. Thus, in question I-II.100, Aquinas announces that God gave the Ten Commandments to specify the principle of natural law, do good and avoid evil. The Ten Commandments explicitly prohibit lying, and, in many medieval interpretations, implicitly prohibit same-sex intercourse (under adultery). Therefore one expects to find this reasoning in his commentary on the Ten Commandments (*In praeec.*): Since animals neither lie, nor lie unnaturally with one another, the Ten Commandments specify those breaches of nature's law. But Aquinas does not so argue. Unexpectedly, the commentary on the Ten Commandments makes no use of natural-law argument. It concatenates biblical passages. Indeed, on second thought, that is what we should have expected. The Ten Commandments do not need to be explained by natural-law reasoning. Rather, natural-law reasoning needs to be specified by the Ten Commandments – just as Aquinas announced in question 100. In that, Aquinas is only being consistent.

And yet, that result makes the switch from virtue-reasoning to law-reasoning even stranger when it comes. If the purpose of natural law is to give the conditions under which virtuous action is possible – as German and American authors have independently argued (Pesch; Bowlin) – then why does Aquinas *ever* use it to give content?

But Aquinas reasons more complexly, because his account of nature depends not simply on what animals do, or what a sexual orientation might be. It depends – I surmise – on his understanding of Paul, who brings the two atypical cases, lying and same-sex activity, together in Romans 1:24: “Therefore God gave them up in the lusts of their hearts to impurity . . . because they exchanged the truth about God for a lie.” That is a surmise, because, although it seems to explain the pair, the *Commentary on Romans* offers no evidence beyond the words of Paul. For Aquinas the “natural virtue” of truth-telling seems to have applied to bodies as well as speech, and told against same-sex activity. Many modern thinkers would conclude instead that gay people ought to come out.

Same-sex activity, one infers, is for Aquinas in some respects a lie of the body. We might today adopt the similar reasoning to an

opposite conclusion: heterosexual activity by gay and lesbian people is exposed when their bodies give them the lie, and coming out is the bringing into community, the semiotic offering, of the body's truth-telling:

The communicative acts of coming out certainly entail self-definition, but these acts of signification come through surrender to an interpretive community. Coming out is opening one's life to be told by others. This exposure is the source of dread and panic in coming out. It is also the outcome of a desire to be known, a desire for wholeness and a promise of unity of oneself and the world. Coming out articulates the sign-giving character of human, bodily life.

For the church, a similar statement of identity and desire is at stake when the members of the body come out with their sexual commitments. Marriage and the celibate life write the body into the story of redemption. Both are communicative, sexual acts. They are means by which the story of redemption is written through human lives, as signs of God's reconciliation, a reconciliation of the body. Coming out is a wager, opening the body to a language of redemption, opening a way for the body's agency not only in the movement of desire but in the donation of one's agency as an interpretive sign.

Any argument for or against same-sex unions in the church needs to attend to the desire of gay and lesbian Christians to make their desires known and to offer their bodies as signs of God's self-giving. (McCarthy 206)

For the most part same-sex rather than cross-sex marriages would better befit the desire of gay and lesbian Christians to make their desires known and offer their bodies as signs of God's self-giving.

John Paul II puts this desire (not of course recognizing it as such) in a graphic way: "God, according to the words of Holy Scripture, penetrates the creature, who is completely 'naked' before Him: 'And before him no creature is hidden, but all are open [*panta gymna*, naked] and laid bare to the eyes of him with whom we have to do' (Heb. 4:13)." Even more surprisingly, this "penetration" cannot be as male-centered as it sounds. John Paul immediately blocks that supposition, noting that "This characteristic belongs in particular to Divine Wisdom," gendered feminine. He cites the gender-bending Wisdom 7:24, where "Wisdom . . . because of her

pureness pervades and penetrates all things.” (If penetrating women go too far, the Greek supports the more feminine translation “Wisdom . . . envelopes – *chōrei* – all things.”) The human being is bound for communion with God because God sees human beings and calls them good, that is, desirable. God grants the human being “a body that expresses the person” because God destines the human creature for not merely spiritual but *nuptial* community, a marriage between human beings or between the human being and God (John Paul II, 98 n. 1; 109).

Coming out responds to the body’s demand for language, and not for individualistic reasons, either. For language is a gift and a demand of a community. Marriage too (along with monasticism) responds to the body’s demand for language, in a way especially suited to receiving and returning a communal gift. So Aquinas chose to close his treatise *On the Spiritual Life* with the proverb, as “iron with iron together, so a man is sharpened in the presence of his friend” (Prov. 27:17).

Notes

- 1 This chapter first appeared as Rogers 2007.
- 2 For humans. But if you consider Aquinas’s account of God, then things are actually constructed first by minds. As Pieper notes, “‘*Res naturalis inter duos intellectus constituta (est)*, a natural thing is [constructed] between two knowing subjects,’” where one is God and one is humanity. “The essence of things,” as Pieper sums up Aquinas, “is that they are creatively thought” (53, 51; see Chapter 2).

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How the Spirit Moves the Law

In Romans 8, the law of nature is swallowed up in “the law of the Spirit of life in Christ Jesus” (Rom. 8:2). If “law” is knowing what to do, then prayer is not knowing what to say. Or what does law written on the heart look like? It is the community at prayer in and for one another. It is the indwelling of the Holy Spirit too deep for words. It is the presence of Love in the lover conceiving the Logos in the knower.

In the *Summa theologiae*, Aquinas follows the tractate on law with the tractate on grace. The division of the *Summa* into tractates comes from editors rather than the author, although they follow Aquinas’s preliminary remarks, called “prologues” and “proemia,” that lie outside the bounds of questions proper. But if we read those remarks carefully, we see that Aquinas defines grace so that it really *continues* the tractate on law, rather than marking a change of topic. So in the premium to I-II.49, we read, in Aquinas’s words: “We pass on to the consideration of the principles of human acts, and firstly of intrinsic principles, secondly of extrinsic principles. The intrinsic principle is power and habit. . . . We shall consider virtues and vices and other like habits, which are the principles of human acts.”

Aquinas now spends 40 questions and 212 articles on virtue and vice. Then in question 90 we get the further structural comment: “We have now to consider the extrinsic principles of acts. . . . The extrinsic principle moving to good is *God*, who both instructs us by means of his law [or prepares us, Chapter 3], and assists us by his grace [or engages us, Chapter 9]; wherefore in the first place we must speak of law; in the second place of grace.” Note the overarching, structural distinctions. The internal principle (the habit) corresponds to the extrinsic principle, God. Natural lawyers who assign natural law to the intrinsic, human side of the correspondence do not entirely lack texts, of course, but if they attempt to suppress the extrinsic, religious, God-derived character of natural law, they do fly in the face of Aquinas’s own division. If you asked Aquinas, what is the intrinsic principle of human acts, he would not say “the law of nature.” He would say, “the habits.” Habits arise from the inside. Laws may be internalized: but they arise from outside. Aquinas places them on the “God” side of his distinction.

After only 15 questions on law – eternal law, natural law, human law, the “Old Law” – of which one, question 90, in six articles, covers natural law, we come to the proemium to question 106, the next part of the structure, which reads:

In proper sequence we have to consider now the law of the gospel, which is called the New Law; and in the first place we must consider it in itself; second, in comparison to the Old Law; and third we shall treat of the things that are contained in the New Law. Under the first head there are four points of inquiry: (1) What kind of law is it? i.e., is it a written law or is it instilled in the heart . . . ?

So this question, with its four articles, unambiguously *also* belongs to the tractate on law. *But this law is grace*:

“Each thing appears to be that which is ablest [*potissimum*] in it,” as the Philosopher states (*Ethics* ix.8). Now that which is most able in the law of the New Testament, and wherein all its power [*virtus*] is based, is *the grace of the Holy Spirit*, which is given through faith in Christ. Consequently the New Law is in principle [*principaliter*] *the grace itself of the Holy Spirit*, which is given by Christ to the faithful.

. . . Still more clearly it is written (Rom. 8:2): “The law of the Spirit of life in Christ Jesus has delivered me from the law of sin and death.”

So! The strong division between law and grace is false: they are destined to coincide. The so-divided tractates on law and grace belong together as one extrinsic principle to human acting, the acting on us of God. This suggests several conclusions that make it hard to regard the law of nature as secular:

Although Aquinas says that the law of nature is “our” participation in God’s eternal law, he says with equal or greater emphasis that the law of nature is extrinsic to us – and the emphasis is greater because it is structural. Although Aquinas says that the law of nature is a *human* participation in God’s eternal law, he says with equal or greater emphasis that it is participation in *God’s* law, because the law of nature needs the intervention of the Holy Spirit for its entire effectiveness, to deliver the human being from “the law of sin and death”! And finally, the law/grace dichotomy is not the only one Aquinas overcomes. He overcomes as well the extrinsic/intrinsic division with which we began. The attempt to bridge the gap with the law of nature was ineffective and failed; sin, death, and idolatry reigned. But the Holy Spirit succeeds: “As Augustine says (*On the Spirit and the Letter* 27), ‘Do not be disturbed at [Paul’s] saying [in Rom. 2:14] that [the Gentiles] do by nature those things that are of the law; for the Spirit of grace works in this, in order to restore us to the image of God, after which we were naturally made’” (I-II.109.4 *ad* 1). Aquinas quotes this to *deny* the objection that “what a human being does naturally he can do of himself without grace.” So natural lawyers who present the law of nature as secular and not religious put themselves in the position of ones who *object* to Aquinas’s position, and whose position Aquinas, by the authority of Augustine, expressly denies.

We turn therefore now to Aquinas’s commentary on Romans 8, where he transposes the whole movement of the human being into the language not of law and grace, but of the Spirit in the heart. In what follows, I portray Aquinas as not at all suspicious of law, just because he is confident of the Spirit. I juxtapose Aquinas’s story about the Holy Spirit with an Aquinas scholar’s story about the Spirit.¹

Victor Preller – much cited in earlier pages – liked not so much to conceal the complications of his life from students, as to confuse us with them. I remember my great surprise, as a sophomore at Princeton in the autumn of 1981, at seeing a long, white strip of celluloid peeking out of Vic’s shirt pocket. I knew Vic then chiefly as the teacher of a lecture course on approaches to the study of religion, a course that struck fear into the hearts of certain conservative Christians as a “faith-breaker,” and therefore of interest to me.

“What’s that?” I asked, nodding at the plastic strip.

“It’s a collar,” Vic coyly replied.

“What for?” I returned.

“For celebrating the eucharist, of course.” Vic often deployed some such phrase as “of course” or “didn’t I tell you” to indicate that he knew a student would be surprised, while paying the unacknowledged compliment of pretending he could not be. Or to forestall any more questions before surprise could dissipate.

Such distancing maneuvers as the Preller “of course” were conspicuous by their absence when Vic told me (in April 1998) after a bout with throat cancer that he had experienced being lifted up on the prayers of his congregation into the prayer of the Spirit that prays for those who on account of weakness do not know how to pray as they ought, with sighs and groanings too deep for words (Rom. 8:26). He described this experience as the indwelling of the Spirit, not on his own account (he was too weak, he said, to form the words of the Lord’s Prayer, or even the intention to pray), but on the account of others – on account of the faith of the church – and as a proleptic participation in the life of the Trinity, whereby the Spirit catches human beings up into the relationship of the Father and the Son by crying “Abba!” on their behalf (Gal. 4:6; Rom. 8:15–16). Such prayer is possible because a certain bidding and graciousness and gratitude takes place already among the persons of the Trinity, and the Spirit incorporates us into that non-Maussian exchange (von Speyr 1985:28–73; Milbank).

We did not discuss how such an experience fit the terms of the end of Preller’s *Divine Science and the Science of God*, where he writes of the intellect’s being “seized by God” (1967:242) and of beatitude as being seized by the love of the Trinity (264) – or how that seizure makes no exception to the rule that prayer and experience happen through the “ordinary” practices of the church, such as

teaching and preaching, since “faith comes by hearing” (Rom. 10:17; Preller 1967:230–237, 269).

Nor did we discuss how such an experience might change one’s reading of Thomas Aquinas or one’s use of ordinary human categories such as “law” or “language.” Certainly Vic would have continued to agree that such an experience was possible (without ceasing to ascribe it to the Spirit) only on the basis of a social practice already well under way, and therefore a mental, linguistic, structured, and bodily one, or in Thomistic terms, habit. It was Vic who first pointed out to me Aquinas’s suspicion of experiences of rapture, “experiences” that, because they took the soul out of this world – became *in principle* incommunicable to others and therefore of little or no use to sacred teaching in this life (Preller 1967:192–194 on I.88.3). They were unnormed, lawless. If Aquinas did not deny them outright, that was not only because of his high regard for scripture, but also because he believed such “experience” produced nothing stably linguistic enough to deny. Accordingly, Vic did not experience this being caught up as a rapture in the incommunicable sense but as something for which the community, in its scriptures and practices, had given him language in advance – language and experience one integral gift – and one that depended on the community both for its expression and for its very existence. For it was on the prayers of his friends, whether in or abstracted from words, that the Spirit lifted him up. That Victor Preller performed the life of the Spirit already and habitually, before, after, and apart from that experience; that such a life consisted of a linguistic, structured, communal, embodied practice or law, including bowing and kneeling and “that funny bit of business on your chest” (Preller 1967:7–8); and that such a life took flesh in the sacraments, the collar playing hide-and-seek in his breast pocket: those features presented no source of conflict with quasi-mystical experience, but prevenient and incarnate grace. They confirmed Preller’s dictum that grace, as a gift that does not violate human nature, must always be habitual. Even infused grace, which does not (logically) originate in a habit, nevertheless *issues* in a habit: it is a law, Aquinas says, that the Spirit writes on the heart (I-II.106.1, quoting Heb. 8:8–10 and Jer. 31:31). From Vic’s experience, too, a habit emerged seemingly *de novo*: Vic said that the years after his recovery were filled with a sense – a habitual sense, a more or less settled, if waxing

and waning disposition – of grateful delight, a delight in (for example) springtime flowers, and thus fairly at odds with a previous sense (I might add) of burden, unease, and winking cynicism. He never mentioned the German sense of his surname, but given his psychology and his love of German it can hardly have escaped his notice. It was as though he found himself no longer a *Preller* (a fraud, cheat, or humbug) if not yet a victor. Now, I have just said both that this transformation of Vic's habits had roots in communal practice, and that it emerged seemingly *de novo*: how can that be? I don't think Vic would have found that much of a paradox: in the work of the Spirit, the practice of gratitude was a habit of others before it was a habit of Vic's.

We did not discuss, as I said, how such an experience, one excellently susceptible of analysis in terms of externally taught practices or Aquinas's natural norm of honoring one's Maker, might have changed or deepened Vic's reading of Aquinas or the spirit of law. And yet the conversation leaves some clues about how to go on. For Aquinas, as for Aristotle, Wittgenstein, and Vic, the work of the Spirit is to be sought in the practices of the community, not because the Spirit is *reduced* to matter or community, but because the Spirit could not be received by human beings, for whom nothing can enter the mind without passing through the senses, *except* through matter. Indeed one might think that for Aquinas as for much of the western tradition such a reduction threatens. For Aquinas, as for many other western theologians, the main treatment of the Spirit does not mention the Spirit much, but proceeds under a lower-case, common noun: I mean the tractate on "grace." And yet Aquinas leaves the way wide open to read the tractate on grace as one about "the law of the Spirit," because he names it "the New Law," the one Paul calls "the law of the Spirit of life in Christ Jesus" (Rom. 8:2), the one that the Spirit writes on the fleshy tablets of the heart (2 Cor. 3:3) – biblical tags that open and set up Aquinas's account. (Rom. 8:2 appears in the first article of the tractate on grace, at I-II.106.1c, and in the same place a quotation from Augustine ascribes the writing of laws on the heart to the Spirit; 2 Cor. 3:3 appears in the next article at I-II.106.2 *ad* 3.) That phrase of Paul's, adopted so prominently and so programmatically by Aquinas, also introduces the very chapter, Romans 8 – astute readers will already have noticed – in

terms of which Vic described the Spirit's intercession. And this phrase of Paul's, in accord with an emphasis common to Aquinas and to Vic, frames the apparently nonlinguistic "too deep for words" activity of the Spirit in terms of "law" and "life," terms that recall the rules and forms of life in which alone such an experience can come about. What would it mean to interpret Aquinas's account of grace generally, and not just quasi-rapturous experiences, in terms of the Holy Spirit's writing a law upon the heart, catching the human being up into the intratrinitarian life through concrete, bodily – that is, habitual – experience? Habitual, and therefore governed by a law *become* intrinsic, because the Spirit wrote it on the heart? What if, that is, we recast the tractate on grace without the use of that term, in order to display the Spirit come to rest upon a body, and issuing therefore in a habit? Such a habit would be grace naturalized, a minor law; a law of the heart, indifferently or fluidly, upwelling or indwellingly present in a community and its members; the Torah of the Spirit that the heart delights to walk in.

An "eclipse" makes visible an otherwise all too dazzling source of light by interposing dark matter, so that finite human observers, who "blink at the most evident things like bats in the sunshine" (quoting Aristotle at I.1.5), can learn something from the penumbra. Thus the apparent reifications of "law" and even "grace" can show us something about the Spirit.

At the risk of explaining the obscure by the more obscure, I compare post-Augustinian talk of "law" and "grace" with post-Fregean talk of meaning. Like meaning, "grace, for the Christian believer, is a transformation [of a form of life] that depends in large part on knowing yourself to be seen in a certain way: as significant, as wanted" (Williams 2002:311). Only, grace is the meaning that God bestows, by which God arranges not primarily words, but states of affairs (*res*) or forms of life (*logoi*) to signify (*res*, I.1.10; *logoi*, Maximus the Confessor; Boswell 2002). "Law" then names the structures that the habits of grace build up, the structures that the Spirit of the unknowable God always intended to unveil. Like "meaning" in Wittgenstein, "grace" is also a concept that took on a life of its own as its function of helping in controversy or clearing a space for debate got forgotten and its use became technical. In Kathryn Tanner's analysis of the "plain sense" of a text, for

example, meaning becomes a sociological space that makes room between the words of the text and the possibility of claiming their authority for a community purpose: so far from being restrictive, the plain sense allows a critic or reformer to claim the text's authority to dispute or renegotiate a communal interpretation (1987). So too the language of grace allows the theologian to claim divine authority for human action, or to renegotiate communal ascription. The category of law in its own way allows the theologian to claim divine origin for the generalizations that protect virtue, just as the category makes room for argument about what those generalizations might contain. Aquinas goes further, and protects God's freedom as the providential ruler of the universe to command even those acts that seem to run athwart the generalizations, the singulars that remain known only to God. As analysis of "meaning" went endlessly round and round after Frege attended to *Sinn* and *Bedeutung*, so too grace arose as a subject of analysis after the Pelagian controversy in the west – a controversy precisely about whether the human being could fulfill the law without grace, or whether the structure of habit could make sense without its spirit. The answer was a resounding no. After Pelagius, "grace and liberty . . . are transformed into two mutually exclusive concepts which then have to be reconciled, as if they were two objects exterior to one another" (Lossky 198). One might say the same about *Sinn* and *Bedeutung* after Frege, or grace and law after *On the Spirit and the Letter*. After Frege, meaning, too, came falsely to seem a thing exterior to the discourse that enacted it. In both cases, grace and meaning, the way forward is sometimes to omit rather than obtrude the troublesome term. Why not just skip the controversy and talk about the Holy Spirit?

Raising anew the question of the proper *modus loquendi theologorum* or rules of the theological language game about grace and the Spirit, Robert Jenson posed it as an alternative, "grace or the Spirit." Quoting Augustine, Jenson notes that "The Holy Spirit's gift is nothing other than the Holy Spirit" (*De Trin.* 15.36, in Jenson 1997:148; I thank Fergus Kerr). Observing that "It is, to be sure, an audacious doctrine," Jenson quotes Augustine to identify the indwelling of the Spirit with charity in the heart: "Therefore the love [*dilectio*; cf. "delight"] which is of God and which is God is properly the Holy Spirit; by him that love of God [*Dei caritas*]

is diffused in our hearts by which the whole Trinity indwells us" (*De Trin.* 15.32; modified from Jenson). With interesting exceptions like Luther and Edwards, Jenson finds that "The doctrine was *too* audacious for subsequent theology," becoming an "option" in Peter Lombard's *Sentences*, which asked (rather than affirmed) whether "the Holy Spirit is himself the love . . . by which we love God and neighbor" (Jenson 1997:148–149 on Lombard, *Sentences*, 1.17.2 and Luther, *Weimarer Ausgabe*, 1:224–228; and Jenson 1988:65–78). Although Jenson admits the point of it (1997:149, esp. n. 22), Aquinas's insistence that charity must (also) be our own possession, rather than the Holy Spirit *and nothing else* becomes suspect (II-II.23.2). Does the alternative "grace or the Spirit" mark a useful distinction, or a failure of nerve? Does the language of grace "betray an impersonal conception of the Spirit" (Jenson 1997:149)? One might admit the point of talking about law, and yet pose the question, if the language of grace betrays the Spirit, does not the language of law betray it more profoundly still?

In Thomas Aquinas, the discussion of the Holy Spirit and the human being proceeds in terms of multiple abstractions. The Holy Spirit *in* human beings habituates them as sanctifying grace. The Holy Spirit *on* the human being grants the charisms of prophecy, tongues, and the like as *gratia gratis data*. The Holy Spirit *around* the human being arranges circumstances and states of affairs to speak as Providence, and also as Providence the Spirit promulgates laws to reason and at Sinai. Yet the scheme is still visible by which the Spirit is interior to ("indwells") the bodily habits that enact it. Indeed, the more Latin, less King James word for the Spirit's interiority to the human being is even more telling: The Spirit quite precisely and explicitly in-habits it (*habitare*, I.43.3; Merriell 80–94, 226–236; Preller 1967:255–259). Can Aquinas do without the language of grace altogether? Not quite. As with the language of meaning, sometimes you need it to get around certain other problems. Are their places in theological discourse where the language of grace distracts? Yes, on the evidence of centuries of controversialists who have been so distracted. Can Aquinas get along without it for long periods where he might otherwise use it? Yes, in his biblical commentaries.

In the *Summa* Aquinas describes the "missions" of the Son and the Spirit as movements that begin in eternity with a sending

by the Father, and end in time with respectively the incarnation of the Son in Jesus and the sanctification of human beings by the indwelling of the Spirit (I.43) – that is, in their deification (I-II.112.1). “Grace” names the temporal end of the Spirit’s eternal mission, by which the Spirit comes to rest in the human heart and issues in habitual acts of faith, hope, and charity, acts that fulfill the law. Aquinas deploys a comparative, a reflexive, and a superlative to insist that the New Law is “principally the grace itself of the Holy Spirit” (I-II.106.2) because that is *potissimum* in it (I-II.106.1c). The passage does not contemplate anything stronger to say. Its multiple tropes of emphasis leave no impression of a failure of nerve; rather the opposite: they suggest that “the grace of the Holy Spirit” functions almost as an appositive genitive, tending to identify rather than distinguish the two terms. Here we discern an Augustinian *trajectory*, never finally completed, toward identifying grace and the Spirit.

Aquinas does sometimes insist on the language of grace precisely as a middle rather than appositive term. He sometimes resists the move from Spirit to habit without mediation. The contexts are very instructive. He always resists identifying them to avoid some misunderstanding of how Spirit and habit relate, to solve some problem his traditions, to improve the discourse. As “meaning” preserves a space for argument and clarification, so “grace” preserves a space for human volition. Grace is not some kind of magic that moves the limbs directly, nor is it the kind of spirit-possession that elides the will. Rather grace engages the will to give the body effect in this world and the next (III.73.1 *ad* 1). It is in order to avoid such misunderstandings that Aquinas insists upon grace.

Similarly, Aquinas insists that charity is the Holy Spirit indwelling the soul *in such a way* that charity can become really a human habit, against Lombard, who might omit the qualification; here, too, the middle term clears a space for a purpose; it preserves the voluntary nature of the human act (II-II.23.2). As a space-clearer and placeholder, the word “grace” seeks to call attention not to itself but to the “courtesy” (in a word favored by Julian of Norwich) that God pays the creature in honoring her dignity. The word “grace” points out God’s disposing all things *suaviter* (Wisd. 8:1, in I-II.110.2), the divine tact or *politesse*, the Holy Spirit’s characteristic voice, “still” and “small” (1 Kings 19:12).

Aquinas's most explicit consideration of this problem appears in two paragraphs of the article "Whether grace places anything in the soul," an objection and its reply. Here, grace marks a distinction between God as primary agent and the soul as secondary agent: "an agent does not determine an object by means of his own substance." The Holy Spirit does not *replace* our substance with God's own; God does not eliminate or violate human nature: to put the danger in graphic terms, Aquinas is worried about a scheme in which God would rub out human beings, or turn a gift into a rape. Rather, Aquinas checks the Augustinian tendency with an Aristotelian distinction. An agent does not produce an effect by replacing the matter with her *self*. An agent effects by molding or building according to a model, generally, by providing a form – even if that form is the form of herself, her image. God is an agent; grace is the form (I-II.110.1).

There is indeed explicit mention of a third thing, a "medium," in this passage. As Jenson's more "audacious" theologians might wish, the third thing is denied. But the denied thing is not "grace." What the passage denies is a medium (if you like, a *further* medium) between grace and the human being, between form and matter. The agent uses a form, but the form doesn't use anything: it just *forms*. The view that Jenson ascribes to Augustine appears in the objection: "As the soul vivifies the body, so God vivifies the soul, whence Deuteronomy 30:20 says, 'He is your life.' But the soul vivifies the body immediately. *Therefore also no medium comes between God and the soul*" (I-II.110.1 obj. 2; my emphasis). The reply to that objection does not exhaustively deny the italicized phrase, but only in one sense:

God is the life of the soul by means of an efficient cause: but the soul is the life of the body by means of a formal cause. But no medium comes between form and matter: since form by itself informs matter or subject. But an agent informs a subject not by her own substance, but by a form which she causes in the matter.

The danger that Aquinas hereby avoids is anthropological. God is not a human form. God can cause and therefore also *have*, in Jesus, a human form. But God is nowise *reducible* to a human form. In this context, Aquinas's distinction need not be read as a failure of

nerve. It may be read, instead, as a defense against Feuerbach before his time.

When it is at home, grace names the human participation in the divine nature already in this life, deification begun (Williams 1999). *Gratia est participatio divinae naturae* (“grace is participation in the divine nature”) in numerous places (in the *Summa* alone, I-II.110.3, 4; 112.1; 113.9; 114.3; II-II.19.7; III.2.10 *ad* 1; 3.4 *ad* 5; 62.1.2). It is “nothing else than the beginning [*inchoatio*] of glory,” that is, life with God, “in us” (II-II.24.3 *ad* 2; I-II.111.3 *ad* 2). For grace “on the way” (*in via*) or “at home” (*in patria*) are the same grace (*idem numero*, I-II.111.3 *ad* 2; cf. I-II.110.1, 114.3 *ad* 3; III.62.1 *ad* 2, 70.4, 72.7 *ad* 2). Grace is the gift of God, and the gift of participation in God, because what grace does – or what God does in us – is deify (I-II.112.1). As God’s gift, grace is appropriated to the Holy Spirit, whose name is “Gift”; as God’s *gift* to us, it becomes habitual in us, second nature. These habits are not only those of virtue, but also the practices that define the community, namely the sacraments; the virtues bring the divine life formally, so that we become like God, the second effectively, so that the humanity of Christ works in us (I-II.109.1 *ad* 1, 109.2, 3, 6, 8, 10, 110.2–3, 111.2, 112.1, II-II.171.2 *ad* 3). As in the humanity that is Christ’s own, so in his members; in grace the Holy Spirit does not bypass but rests upon and shines out from the body.

In his *Commentary on Romans*, chapter 8, Aquinas comments in context upon the verse from which the so-called tractate on “grace” takes its structural place and its proper name. Aquinas actually entitles his treatment in the *Summa* the *Nova Lex*, or “New Law.” Structurally, therefore, he places it at the end of the tractate on law, the extrinsic ground of human acts, as apparently opposed to their intrinsic source, or the virtues. But since the New Law is the law of the Spirit (Rom. 8:2), which is written on the heart (as Aquinas frequently quotes from Jer. 31), the New Law caps the treatise on law by overcoming the distinction between the intrinsic and extrinsic springs of human action. The Spirit moves the heart *from the outside and most internally*, since God transcends creatures to be more internal to them than they are to themselves. Historically, it may be in commenting or preparing to comment upon this passage that Aquinas hit upon the placement and title of the so-

called treatise on grace: a placement and title that display the possibility of seeing the Spirit as the rule, ground, or form of the new life.²

The chapter in Romans is about the Spirit from beginning to end. It opens with the identification of “law” with the “Spirit,” so foreign is it to Augustinian, Lutheran, and secular oppositions between those terms, which owe much, of course, to other bits of Paul. But here Paul and Aquinas after him have cast the law not as *nomos*, *Gesetz*, or secular law, but as Torah, the law that the righteous one “delights to walk in” (Ps. 1:1). The chapter in Aquinas’s commentary begins with talk of grace, because Aquinas can hardly help but think of grace as counterpart to “law”; but he is perhaps already working out how well one might eliminate the Augustinian discourse about grace in favor of the Romans 8 discourse about the law of the Spirit by which one prospers, by which the Spirit “inhabits” the heart (Rom. 8:9, 11). For the Pauline chapter from which Aquinas takes the title and structure of his so-called tractate on grace *never uses the word*. By the middle of Aquinas’s commentary on the chapter – by the time he comes to the passage of the Spirit praying for those who cannot pray (who, like Preller, cannot form even the words of the Our Father) – he has accordingly so conformed his exposition to Paul’s language that the language of grace disappears.

The Vulgate of Romans 8:1 unavoidably lands Aquinas in Augustinian controversies about grace. For it translates the Greek *katakrima*, “there is now no condemnation in Christ Jesus” (RSV), with the technical term *damnatio*. Aquinas finds himself squarely in the tradition of commentary according to which “having” grace makes the difference between salvation and damnation – even if Paul’s own context is Jews and Gentiles and the justification of the ways of God by the faithfulness of Christ. Paul is in fact not here in the midst of a technical, post-Augustinian treatise in which “grace” has become a term of art and dispute.

Aquinas emerges quickly, however, from the Augustinian briar patch into which the Vulgate’s *damnatio* has cast him. Already by the middle of the commentary on the second verse he has found the plain air of a discourse in which the Trinity meets the Torah without the interference of a third term:

Lex enim spiritus, etc., quae quidem lex potest dici uno modo Sanctus Spiritus, ut sit sensus: Lex spiritus, id est, lex quae est spiritus; lex enim ad hoc datur, ut per eam homines inducantur ad bonum; unde et Philosophus dicit, quod intentio legislatoris est cives facere bonos, quod quidem lex humana facit, solum notificando quid fieri debeat; sed Spiritus Sanctus mentem inhabitans non solum docet quid oporteat fieri intellectum illuminando de agendas, sed etiam affectum inclinatur ad recte agendum. Paracletus autem Spiritus Sanctus, quem mittet pater in nomine meo, ille vos docebit omnia, quantum ad primum, et suggeret vobis omnia, quantum ad secundum, quaecumque dixero vobis. (Io. 14:16)

Alio modo lex spiritus potest dici proprius effectus Spiritus Sancti, sc. fides per dilectionem operans, quae quidem et docet interius de agendas. . . . et haec quidem lex spiritus dicitur lex nova, quae vel est ipse Spiritus Sanctus, vel eam in cordibus nostris Spiritus Sanctus facit. *Dabo legem meam in visceribus eorum, et in corde eorum superscribam eam* (Jer. 31:33). (In Rom. 8:2, §§ 602–603)

In “For the law of the Spirit,” “law” can mean in one way the Holy Spirit, in this sense: The law of the spirit means the law, which is the Spirit; for law is given for this, that by it human beings be led to the good, whence even the Philosopher says, that the intent of the lawgiver is to make the citizens good, which even human law serves, at least announcing what ought to be done; but the Holy Spirit inhabiting the heart not only teaches what ought to be done by illuminating the intellect about things to be done, but also inclines the affect toward acting rightly. “For the Paraclete, the Holy Spirit, which the Father will send you in my name will teach you all things,” with respect to the first point, “and urge you to all things” with respect to the second, “whatsoever I have told you.” (John 14:16)

In another way, “the law of the spirit” can mean the proper effect of the Holy Spirit, namely faith operating by love, which certainly also teaches interiorly about things to be done. And according to this reading the law of the Spirit is called the New Law, which is either the Holy Spirit itself, or what the Holy Spirit does in our hearts: “For I will give my law in your gut and I will write it on your heart.” (Jer. 31:33)

The law of life either *is* the Spirit, or the effect of the Spirit habituating the human being in faith by love. Law and Spirit here are one, as in Torah, and Spirit issues in habit. So far from an antinomian opposition to structure, the Spirit, one might say, rules

(von Speyr 1994). The Spirit writes a law on the heart, that is provides, like Torah, a structure that liberates (Rom. 8:2). We could hardly wish for a lovelier statement. Aquinas even has the good judgment to invoke the three Persons of the Trinity, intimating that the true law, the one that succeeds in leading human beings to the good, already participates in that spirited, which is to say, providently ruled community, which is the trinitarian fellowship.

By the time the commentary arrives at the passage to which Vic referred, Aquinas has traveled even farther from a discourse of grace into a discourse of the Spirit and human infirmity, in the context of impending death (§687). As in Vic's experience – had he read this passage? – the Lord's Prayer is the prayer one cannot pray (§690, for several paragraphs). The language of grace disappears because it is too bare and the Spirit too present.

The Spirit still does not replace or violate human beings. Aquinas's language is of "help" and "prayer." Not that the dying pray for help: their prayer *results* from help. The language of "help" still implies two. The language of prayer rationally depends on another rational person or Person; specifically, it is a learned, communal, linguistic prayer that the Spirit prays in and for human beings; the Spirit does not enrapture or rape them, but it is a human thing that the Spirit does for them. The Holy Spirit simply *helps* (*adjuvat*). It does not even particularly help human beings to do something, as if they and the Holy Spirit were two creatures on the same level, two hands pulling on one rope. Instead, the *adjuvare* of the Holy Spirit appears absolute, that is, without qualification. The help of the Spirit is global: it holds creatures in being; indeed, it elevates and *assumes* them (*assumpsit*, *In Rom.* §687, quoting Ezek. 3:14), lifting Vic up on the prayers of the church, as he put it. (If it sounds as if I am saying that the Spirit prays both with and without human words, that's right.) In this passage of support at greatest need, the language of grace falls away, and the language of the Spirit is just as audacious as anyone could wish.

It approaches, perhaps, the audacity of glory: the Spirit, in crying "Abba!" in sighs too deep for (this-worldly) words makes human beings capable of the divine Word, incorporates them into Christ's intra-trinitarian address to the Father. The Spirit can pray the Lord's Prayer in us, just because it unites us to the prayer of the Lord. Then indeed there is no need for the condescension of grace;

human beings indifferently need no words, or enjoy all words, if at last they possess the Word, God's own principle of intelligibility; they need no room of their own to act in, when they inhabit God's infinite roominess. Then they see God no longer by a form accidental to their intellect, but by a participation become intrinsic; they see God by God's own essence, or "as God is," which cannot, of course, be intelligibly communicated in this life, but awaits eschatological consummation.

As there is reputedly a linguistic and a mystical Wittgenstein, so there is assuredly a linguistic and a mystical Aquinas, and even a mystical Preller. If I may put his own words into his mouth, what he experienced was a "*quasi quoddam inchoativum* of a future intelligibility" (1967:269). The piling up of qualifications was remarkable for Aquinas and noted by Preller with satisfaction. "A more guarded statement would be difficult to imagine: *quasi* is 'as-if' language; *quoddam* is 'sort-of' language; and *inchoativum* signifies a first movement or 'a germ of a beginning'" (1967:239, quoting *In Heb.* 11:1 and Deferrari, s.v. *inchoativus*). So Aquinas practices the way of remotion; in piling up qualifications, he takes language away. About the light of glory, he keeps volubly silent by overqualification. In the language of grace, too, Aquinas practices remotion, but now in a more positive way: The language of grace is inadequate to the Spirit, but (like "meaning") it is not dispensable. It has its uses. "Grace" marks a reserve, even a reticence about the Spirit, strictly appropriate to this life. A Spirit that did not dispose all things *suaviter* would blow our minds, or enrapture us; it must be passed over in silence (Preller 1967:193–194 on I.88.3). But the language of grace does not silence human beings; rather it practices the reserve that alone permits language *in via*. The "Abba" that the Spirit cries is her Word *in patria*. That is why Vic could have applied to himself the words with which he closes *Divine Science*: he remained in "a kind of shadow of ignorance [*quadam tenebra ignorantiae*] by which ignorance, insofar as it pertains to this life, we are best conjoined to God [*optime Deo coniungimur*]." For "this is the cloud in which God is said to dwell" (*habitare*, *In 1 Sent.* 8.1.1 *ad 4* in Preller 1967:271). That ignorance is one by which, he might have said, God latterly habituated and indwelt him, so that, well conjoined, he would not have been wrong to suspect in himself

what he asserted of others, “a kind of beginning, as it were” of beatitude (1967:269).

Notes

- 1 What follows originally appeared in Rogers 2004, and reappeared with more emphasis on the Spirit in Rogers 2005. Here it appears with more emphasis on law.
- 2 This is admittedly a conjecture for which my evidence is circumstantial. According to the best datings, Aquinas was at work on the *Summa* I-II (which ends in the tractate on grace) in 1271, and on his second commentary on Romans – the one we have – between 1271 or 1272 and 1273 (Torrell 252, 254, 340).

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How Natural Science Becomes a Form of Prayer

Does Aquinas's concept of nature leave room for natural science as we know it today? His reliance on Aristotelian insight (epagoge) seems to oppose the modern scientific reliance on experiment, leaving no way to learn from intellectual error. Yet Aquinas does talk extensively about learning from contingency and error in his ethics and moral psychology (Bowlin 1999). Moral experiments are the ones that interest Aquinas. He can treat a scientist's coming to know as participating in the perfect knowing of God in the beatific vision. "Natural law" is not the same as natural science. Rather, both natural law and natural science serve the virtues. Eventually, even natural science can serve to participate us in the trinitarian life.

Accounts of the history of science treat Thomas Aquinas as someone interested in what we would now call natural science but not very good at it.¹ He does not advance experimental method, and he remains captive to Aristotle's notion of insight, or *epagoge*. *Epagoge* sometimes dresses up as "induction," and this book has mostly treated it as "small *r* revelation." But here I focus on its phenomenological aspect, which we might call insight (McMullin 32–52). Be that as it may, Aquinas is clearly not someone who is much interested in natural science – even less interested in natural science than in natural law. He's not *trying* to do any experiments. He's

not even trying to learn natural science in some other way, say by following the *Posterior Analytics*. Rather, he is supremely interested in human growth, in ethics, and therefore also in how human beings *learn*. He is interested in the beatific vision, in the knowledge as a metaphor for complete happiness. And he is interested in the quite odd way (the incarnation) in which God graciously creates a continuity between the two discontinuous things, learning in this life, and knowing in the next (III.9.2–3). Learning in this life means learning from contingency. Knowing in the next life means seeing with God's own vision. They belong together only by a marvelous exchange: God enters contingency, that humans may enter beatitude; God learns, that humans may see. This is decidedly a theology of science, not a philosophy. You wouldn't try to learn about the atom from Kuhn, or the history of science from Bohr. But you could learn a lot from both if you read them on what they're good at. What could we learn from Aquinas if we approach him on what interests him, on what he's good at?

- 1 Contingency, not epagoge. Aquinas is more interested in ethics than speculative science, more interested in learning from contingency, than in deduction from insight. This goes for natural law as well as for natural science. That means you might fairly develop an account of science-as-discovery not from Aristotle's epagoge, but from Aquinas's *ethics*, which contains his account of learning from contingency, even frailty, failure, and error. In the work of Ernan McMullin, "retroduction" means the long process of thinking backwards from regular laws, by contrived experiment through new contrived experiment, to postulated entities and theories that could explain those regularities (McMullin 93–98). Nothing terribly like retroduction features in Aristotle's account of episteme in the *Posterior Analytics*. But that's not because the *Posterior Analytics* provides a rival account of scientific discovery. That's because it treats episteme as already established, like a textbook. Observing over a long period of time, thinking backwards from experience, and learning from contingent events do feature prominently in Aristotle, and even more in Aquinas, just not in the *Posterior Analytics*. They dominate Aquinas's psychology. It is a short step from experience to experiment, and from contingency to controlled contingency.

Learning from contingency is the very part of Aristotle that interests Aquinas the most. It could be of great interest to historians and philosophers of science, because learning from contingency dethrones teleology even as it pays it lip service. This is true of virtue and Aquinas's own natural law as well. Virtue learns from contingency. *Modern* natural-law theory, by contrast, ignores contingency and devalues time. Learning from contingency takes place over time; it attends to singulars; it approaches experiment. As its own subject of reflection, learning from contingency generated both Aristotle's most sustained theory, that of character, and his most elaborate theoretical entity, the habit.

For Aristotle, fortuitous happenings have no cause. For Aquinas, they do. When Aristotle's Fate becomes Aquinas's Providence, contingency receives a cause and an agent: God (I-II.93.5). Providence becomes the prudent lawgiver whose law-giving is promulgating, making publicly known, making known to reason (I-II.93.1; I-II.90.4). Anyone who reads these passages might object that they are not taking scientific laws as the model at all; they are talking about laws on the model of legislation. And yet that's the point: Aquinas supplies a wise ruler by reference to which the retroductive questions first begin to make sense. By the great metaphor of the providential ruler, we can say with modern science that "laws are the explananda; they are the questions, not the answers" (McMullin 90). Aquinas's notion of Providence, unlike Aristotle's, insists that laws are not themselves the end of inquiry, but that laws too have reasons.

When Aquinas supplies contingency with an agent, he gives birth, too, to the arranger of circumstance, the experimenter, the scientist, even if – or just because – the first of those scientists is God. Here too the scientist is formed in the image of God. This is explicit and founds one of the three parts of the *Summa theologiae*: human beings image God as masters of their acts, as arrangers of circumstances, as potential experimenters (I-II, prol.). This is not part of Aquinas's theology of science: it's part of his theology of the human being. If we cannot imagine Aquinas saying, "God experiments," we must allow him to say, "God tests": and human beings in God's image may now, after Aristotle, do likewise. They are in God's image

precisely as arrangers of circumstances toward an end, and just because, unlike God, they don't know singulars, but generalities by observation, their tests *are* experiments. A human being could not learn in the image of God without experiment: retroduction is the strictly appropriate (analogous) procedure of a creature whose nature is to be both contingent and an orderer of acts to an end. That is the innovation and the opening up of the *Secunda pars*, even if Aquinas does not work out its implications for natural science. As we shall see, Aquinas's interest in contingency disrupts Aristotle's commitments to teleology at several turns. Aquinas's doctrine of creation *ex nihilo* not only allows but requires those changes of him. Aristotle's teleology cannot remain unchanged, if creation itself is contingent. Rather, it is precisely the contingency of the world that reveals the graciousness of God. Contingency's role is to become a metaphysical revealer, both in the scriptures and in the world. It must be that too for physics, whether or not Aquinas himself walks through the door he has opened.

- 2 Aquinas develops not a philosophy but a theology of science from Aristotle's account of insight. Epagoge does not become a font of new natural science for Aquinas: it becomes an ingredient in the beatific vision, in the science enjoyed by God and the blessed. Aquinas recognizes that there is something so teleological about epagoge that it's not quite human. You might read this as a critique not of science, but of Aristotle's account of science. Aquinas's theology of science deploys the *Posterior Analytics* in order to distance that account. Aquinas would agree with modern philosophers of science like McMullin that epagoge is not how human beings learn. He might even agree that it's hopeless as a philosophy of coming to know (McMullin 35). Aristotle may or may not distinguish the logic of knowing from the logic of coming to know. But Aquinas must distinguish them as divine and human. Like retroduction, Aquinas's logic of human coming to know "settles for less" and yet "can yield practical certainty" (McMullin 95–96). Speculative science entertains pretensions to know: but *coming* to know, both for Aquinas and for retroduction, is a *practical* matter. As the *Summa* begins, Aquinas insists that in the things of which reason is capable, the truth is reached "by a few, over a long time, and

with an admixture of many errors" (I.1.1). Rather, human beings learn by developing mental habits for dealing with contingent events. Retroduction is not a habit much practiced by Aquinas, but it fits excellently into his account of how human beings learn. Insight, on the other hand, is more like grace: a habit almost infused.

- 3 Aquinas is more interested in how God can use human capacities of knowing to lead human beings to God, than in how they work, although he's interested in that, too. Any kind of deep theology of science is something that modern Christianity lacks and needs. Creationist versions, despite their name, undermine creation's integrity. Theillardian versions, though profound, arouse suspicion. Rahnerian versions, despite their care, depend on a Kantianism now out of fashion. Modern Christianity needs to recover a sense that natural science can be a religious activity. That is why a theologian might turn to Aquinas here. Not because he offers a viable scientific method. Nor to open up a better place for him in its history. Certainly not to repropagate Aristotelian accounts of teleology or insight. Rather, Aquinas offers an account of all human activity as God-directed, signally human knowing. He insists that the Trinity brings human beings into participation with its own activity when they learn (I.43.3). Science, therefore, is *divinizing* (III.9.2–3 with I-II.112.1). The Holy Spirit, Aquinas insists with John, will lead human beings into all truth (I-II.109.1 *ad* 1). The Spirit does not depart from the body of the Son, but befriends *matter*, in the incarnation, in the community of believers, in the sacraments – and therefore in everything that underlies those things. All things whatsoever – *omnia quaecumque*, in the sweeping phrase of I.1.8 – lie under the hovering of the Spirit on the Son. All things whatsoever lie naked – *panta gymna*, in the shocking phrase of Hebrews 4:13 – before the One with whom we have to do (I.14.5). Modern theologians might develop from Aquinas a trinitarian theology of science where every instance of experiment and retroductive inference – reasoning back to causes by contrived experiment – counts as contemplative prayer. Experiment and retroduction count as contemplative prayer not as a kind of religious compliment, but for a reason that theology can specify: they attend

carefully to *matter*, and in so doing they participate in the Spirit's proper office of witnessing to and celebrating the Son. Trinitarian Christians need not turn to Aquinas because they want to recover Aristotelian insight. They might turn to Aquinas because theologians (if not scientists) need a trinitarian account of scientific activity. Theologians need such an account both defensively, in order to have something better than creationism to offer, and positively, to explain why scientists have lately led the world into more truth than priests. If they have, then the Holy Spirit, who leads human beings into all truth, *must* be involved (I.109.1). How can theologians account for that? Reason enough for this exercise.

Scientia in Aquinas is a number of things, but among others it is a *habit*, a stable disposition of the mind. What interests Aquinas about that habit is what interests him about all habits: how finite and fallible dispositions here below become perfected and confirmed by union with the divine habits of the Trinity above. The finitude and contingency of the earthly habit, and the stability and perfection of the heavenly habit, are equally appropriate to their states. The transformation of one into the other depends on the incarnation of the Son and the grace of the Spirit. In the life of Christ, God learns as a human being in order to grant human beings divine sight. In the grace of the Spirit, human beings receive the sight of God through learning to see themselves as God sees them. The movement both defers perfect science to the next life, *and* adopts imperfect science as its predecessor. Historians of science have noted the distancing aspect of that movement, raising the bar so as to make science all but impossible to reach in this life, without attending to the second, which elevates human learning to a means of the divine.

Three Aristotles

Philosophers of science first criticized one Aristotle, the teleological Aristotle of the *Posterior Analytics*. The *Posterior Analytics* lacked anything that looked like modern scientific method, because it proceeded by deduction from insight, a hopeless program for research. They then discovered a second Aristotle, one who worked

by observation, in *Hearts of Animals* (MacIntyre). That looked a bit more promising: an Aristotle open to evidence. But that Aristotle still did not *experiment*, did not control variables to find things out, did not exploit contingent circumstances to determine nature's secrets, did not proceed by elimination or over time: it even looked as if Aristotle would not countenance experiment, because it seemed to treat nature unnaturally, to render her testimony unreliable because extracted by torture. But I want to claim that both the exponents of the *Posterior Analytics* and the exponents of *Hearts of Animals* have missed a *third* Aristotle, one who learns from contingency and advocates training in situations that make contingency revealing: the *psychological* Aristotle who read tragedies and wrote the *Nicomachean Ethics*. The *Posterior Analytics* does not describe habits of human learning: it describes a textbook. The *Hearts of Animals* does not describe learning by artful arrangement or experiment: it describes inspection, observation, taxonomy. But Aristotle, and Aquinas after him, are supremely interested in how human beings learn. Aquinas is most interested not in the hearts of animals but in the hearts of human beings. You might object that it's hard to find either thinker talking about learning from error. But that's only because by "error" they mean moral or intellectual fault. When we speak of learning by trial and error, we do not mean that our minds are faulty, we mean that we search by elimination. That process caused no problem for Aquinas, but accorded with the stepwise character of reason's composing and dividing. Indeed, it honed the "dividing," analytic character of reason. Experiment enables a closer division. The difficulty is not with learning by elimination, but making enough space in teleology for experiment's creative disruption.

But that's just how Aquinas understands the moral life. God's contingent events disrupt and re-form the finite plans of human beings. Therefore, it's to Aristotle's account of how character enables the human being to deal with the unexpected that Aquinas devotes himself. Aquinas wrote just 10 pages about theology as *scientia*, citing the *Posterior Analytics* or the *Physics*. But he wrote hundreds and hundreds of pages on the *Ethics*, both in his commentary on that text, and, with greater influence, in the entire *Secunda pars* of the *Summa*. That's his innovation, recognized as such in its historical effect, since the *Secunda pars* was by far the part most

copied (Jordan 116–135). In Aquinas's psychology, learning from contingency is the whole point of life; trial and error is the way of growth. And that's the part that interests him. Psychology is where his major theological innovation lies. Surely we should evaluate him on what he cares and innovates about.

What would it look like to develop a theology of science from what Aquinas says about the *Ethics* in the *Secunda pars*? It might go like this. Experiment is intelligent disruption. It exploits contingency to unveil explanatory structure. Contingency reveals the hearts not just of animals, but of all created things. Retroduction, or contriving experiment, is ethics applied to matter: it tests the character of things. Both experiment and its reasoning belong to the contemplative life, and thus to prayer. Aquinas subsumes deduction, induction, retroduction, and all other leadings-by-reason under another leading, one dearer to his heart: *manuductio*, the leading by God's hand. By manuduction, the Holy Spirit graciously promotes human reason to do something that it could not do by itself: lead a human being into God (I.2.5; I.12.12). Some historians of science have thought that Aquinas demotes human reason by limiting it. He doesn't think so. He thinks he is giving it something better to do. Manuduction leads up the way that the Son descended. By the incarnation, the possessor of divine science becomes human; by manuduction, the possessor of human science becomes divine.

Earlier I said that Aquinas did not experiment. That goes for natural science. But not for the disciplines that interested Aquinas most. The *Summa theologiae* – along with many of Aquinas's other works – does record textually, if it does not perform physically, the practice of learning from error: that is, it records disputations. Readers usually consult the *Summa* for its conclusions, just as students usually comb their science texts for facts. Science texts report experiments, much as the *Summa* reports disputations. Of course, that's not the same as going to the lab, and going to the lab as a student to repeat supervised experiments is not the same as devising a new experiment from scratch. If you wanted the protocols of a Thomistic experiment, you'd have to read a monastic rule. And yet, just for that reason, Aquinas's *Summa theologiae* did not have to go without a practicum. In accord with Aquinas's interests, innovations, and *Wirkungsgeschichte*, the practicum was not in natural science but in human nature. The Dominican friars had all com-

mitted themselves to a new experiment, one in how human beings grow into the *scientia Dei*, one in how they might do so by begging and preaching. They had a lab: that was the monastery. Their experiment had parameters: those were their vows. They had results to retroject: those were their hearts. They had theory: that was their character. The observed regularities of human behavior provided their questions; the theory of character and the postulation of habit proposed their explanations. And that's what Aquinas wrote the *Secunda pars* for. He wrote it to supply theory and theoretical entities for his experiment.

You might find the comparison baroque and far-fetched, a conceit. You might find that the meanings of all the words have become metaphorical. But that would not count as a flaw for one who insists in all seriousness that theology is *scientia*. That would not count as a flaw for one who insists that reality coheres by analogy. Nor for one who integrates the learning of this life with the knowledge of God. And not for one who thinks the incarnation requires him to do so. The human being cannot come to God, unless Jesus Christ has at once the knowledge acquired by experience (*scientia acquisita vel experimentalis*) and the knowledge of the beatific vision (*scientia Dei et beatorum*): so alone can Jesus offer in human words and a human life the way in the divine Word into the divine life (III.9, 10, 12, esp. III.9.2; see Chapter 8). Yes, the word "experimental" occurs in Aquinas: he uses it for God's own experiment in Jesus. So alone can *scientia experimentalis* be led into *scientia beatorum*. If such an account integrates what modern learning divides, then that's just what a Christian scientist might want it for.

Discovery, Description, Deduction

The point of Aquinas's theology of science is to explain manuduction, how God can use things in the world to lead human beings to God. Things in the world and the human desire to know them work together to bring human beings to their ultimate happiness: science is Aquinas's major metaphor for heaven; science is a participation in divinity, because God too is a scientist. Indeed, God is a scientist who wants to know *us*, us human beings, to the extent that God comes to us as a human being, as a human scientist.

Thomas Aquinas is no Mary Baker Eddy, but the articles on the *scientia* of Christ present Jesus as the scientist par excellence. Jesus is scientist and experiment in one.

When, on the other hand, *scientia* remains this-worldly, it looks uncongenial to modern science. For Thomas Aquinas, *scientia* as the knowability of things is defined by teleological form. For most modern accounts, teleological explanations vitiate science. What Aquinas regards as best for science, moderns regard as bad for it. The difference concerns how structures build up, how organization happens. Most Aristotelian accounts take structure immanent in things as a nonmaterial force that works like an intention. Most modern accounts make structure contingent on random processes that build up and break down, with the result that only some structures survive. The difference between Aristotle and Darwin comes down to whether *disruption* can be a good thing. In Darwin, disruption leads both to a lot of maladaptation and death, as well as a little survival and evolution. In Aristotle, disruption is hard to square with teleology and form. Form seems opposed to randomness and disruption – evolution to require it. And yet form is not the place to look for Aquinas's comments on creative disruption. Look instead to his accounts of contingency and diversity.

Reading some parts of Aristotle, you might suppose that teleology goes all the way down. (His treatment of tragedy might make an exception.) But for Aquinas, contingency has equal claim to go all the way down. For, in opposition to Aristotle, he makes the world itself contingent: it *might not have been*. Contingency is not normally the subject of Aristotelian *scientia* for human beings in this life, just because we can't pin it down. But it is part of the *scientia* for which human beings yearn, the *scientia* of God and the happy. And when Aquinas reformulates the science in which he is most interested – that of psychology, or human development – form and contingency are opposed no longer, but work closely together. It is the merit of modern science to extend to the nonhuman sciences the explanatory power of contingency and structure together, that Aquinas promoted in his greatest innovation. His doctrine of creation leaves room to extend that innovation also to the natural sciences. *Creatio ex nihilo* asserts both organization or form – *creatio* – and radical contingency – *ex nihilo*. It rejects both organization without contingency – that would be Aristotle's eternity of the world – and

contingency without form – that would be chaos. This is what *creation ex nihilo* protects, the compatibility of organization and contingency.

Philosophy versus Theology of Science

As I have insisted elsewhere, Thomas Aquinas distinguishes sharply between awareness or *cognitio* (Chapters 2 and 7; see Preller 32, Rogers 1995:17–70), of which one sort is faith, and demonstrated structure, or *scientia*, of which one sort is the beatific vision of God and the blessed in heaven. Yet Aquinas’s God also destines human beings to *know*, to have *scientia*, and (perhaps shockingly) to leave faith behind. Among those knowers is Jesus, who possesses the *scientia Dei* to the extent that it displaces faith (III.7.3) – and he *has* to have that science, according to Aquinas, both in order to bring it to human beings, and to know us, not just with cognition, but with *scientia* (III.10). If we want the beatific vision, Jesus has to have it; if we want to be beatified, Jesus has to see us with vision. For we are beatified with the vision of the one seeing us (I.12.13). In Aquinas, grace is the transformative perception of another (in a phrase that Rowan Williams uses differently). But that is one reason why I want to use Aquinas’s psychology to improve his conception of science. So here I am working rather the other side of the street from earlier chapters.

One purpose of the *Summa theologiae* is to interpret sacred doctrine as an Aristotelian discipline, as other chapters have shown. Aquinas defines an Aristotelian discipline as one that proceeds from first principles. Contrary to Thomists since John of St Thomas, proceeding from first principles does not mean first of all an exercise in logic, unless logic means the source of structure in God’s Logos. It means first a real showing or manifestation, as of a way or path, a *via*. And that showing exists both in the world and in the mind. An Aristotelian demonstration is like opening the hood of a car. To see how the car works, you open the hood and look. For that reason, a synonym for *scientia* is seeing, vision. For that reason, too, the Son may “demonstrate” the Father and be a “way” to him, where both the crucial words, *demonstratio* and *via*, are technical terms in Aristotelian science – as in the *Commentary on the Gospel*

of John (*In Jo.*, prol., §9; Rogers 1995:40, 223). Moderns would now, after Descartes, distinguish the real and mental aspects of such a demonstration. We would now automatically distinguish the thing that demonstrates, the actually humming engine, from the one who demonstrates, the knowledgeable mechanic. We now distinguish the path that DNA follows, and a path that the mind follows. But Aquinas united what modern convention divides (MacIntyre 4). Aquinas used a concept to keep together the structures of reality with the structures of knowing: he called it proceeding from first principles.

If you proceeded in accord with first principles, you had a science. A first principle structured both things and minds. Unlike moderns, Aquinas distinguishes between knowers and things known precisely in order to bind them together. A first principle of birds might be the shape of a wing. Then both the development of the wing – how it grows and flies – and of ornithology (how Bernoulli's principle functions with feathers) belongs to the first principles of birds (Irwin 7). Bernoulli's principle is a source of light both for ornithologists and, Aquinas might now say, for the random searching of protobirds' DNA.

Hearing "first principle," you may think of efficient causes, and that would not be wrong; but it would be misleading. First principles have various aspects, among which efficient causation is not left out – but for Aquinas's purposes their most important aspect is *form*. If an Aristotelian wants to refer the first principle working itself out indifferently in things and minds, the structure demonstrating itself in both the wings of birds and the mind of Bernoulli, then "form" is the word she uses. A form is a followable structure, either in the building up of structures in the world or in Aristotelian knowledge. A modern Aristotelian, if there were one, might refer to form in describing electromagnetic attraction, the build-up of stars, the growth of crystals, and the development of string theory. In modern parlance, we hear the quotation marks if we say that objects under gravity "know" where to go, and think of the verb as metaphorical. For Aquinas, too, such a use of "know" would be unusual. But the extension of meaning would go beyond metaphor. The world itself, for Aquinas, exhibits an ordered series of harmonious structures, repeating on different levels and in different aspects: He calls their relation analogy. If you insisted that to recapitulate

in language an analogy between crystals and minds was to equivocate, Aquinas would reply with a distinction: some equivocations mislead; this equivocation is strictly appropriate (Preller 243). Refuse to admit it, and you are blocking the light by which things are enlightening the mind. That is the light of reason, of *ratio*, of appropriate proportion or structure in the world and in us.

For Aquinas, all kinds of knowledge – especially Aristotelian *scientia* – depend on sources of light (small *r* revelations). First principles are manifestations of forms in the world, joining in one what idiom divides, namely the form that inheres indifferently in minds and things. Each Aristotelian science thus originates and individuates by its formal rationale or light. If you understand frogs, then you get light from frogs that gives rise to frog science in human minds. If you understand frogs, that also shows that frogs manifest frog-light, the first principles of frog, that give rise also to followable frog-structure in frogs themselves. That is also science, the science in frogs. The science in frogs gives light, and the science of frogs appears in the light. The more you attend to the first principles of frogs, the better frog-science you have. The more you attend to frog-light, the more scientific your discipline is. The more something is revealed, therefore, the more scientific it is. Theology is no exception to that rule; theology exemplifies that rule. Theology is for that reason not science by disciplinary extension; theology is science (as we have seen) *par excellence*.

I take up two objections to that account. One, you might think that theology is not really science, because science is in principle accessible to everyone smart enough, and revelation is not. Call it science accessible and inaccessible (see also Chapter 2). Second, you might observe that Aquinas's account of science depends on insight and teleology, whereas insight and teleology have been more or less deservedly out of favor in natural science for several hundred years. Call it process teleological and random. I take the teleology objection first.

Teleology: objection and reply

That objection recasts Aquinas's dependence on form as a critique. Forms build in teleology. But it's possible to take the sting out of

teleological arguments in at least two ways. First, Aquinas's forms are not entirely fixed, but dynamic all the way down. Second, I think it's fair to extend Aquinas's thinking about contingency to favor arguments about how natural structures develop by random process. That means that insight gets modified by enough detail to need experiment, to take time, to permit retroduction, the postulation of entities and theories to explain regularities, to extend what is. Aquinas's best example is in psychology rather than physics: "habit" is a theoretical entity invented to explain the regularities of human behavior and to bridge the gap between intention and execution when there is no time for deliberation. Habits are theoretical entities, than which nothing could be more real. (For an argument by a philosopher of science that God is a theoretical entity, see Van Fraassen 204–215.)

Forms are not fixed. As Aristotle scholar Jonathan Lear defines them, forms are "internal principles of change" (Lear 15–25). They are dynamic all the way down. Evolution would seem to be written into them. It's true that they are teleological. And it looks as if their teleology is set. But the appearance of setness self-destructs by the very nature of Aquinas's teleology. In the normal sequence of how things seek their ends, every thing enjoys a movement native to it. Animals seek their good by instinct; they smell and move toward food. Plants seek their good by growing; they move toward light. Rocks seek their good by gravity. That is, the deepest desire of a rock is to reach the center of the earth. Push something off the table, and see how it yearns! And yet random searching is compatible with this: plants grow toward water – by sending out roots in all directions. And further, the teleological system allows some scope for the ends themselves to develop and change. At the top of the system, human beings seek their good by reason. That means they choose their own proximate ways toward the good; they decide what to do next. Now, the hierarchy of moving creatures has strong bonds down, so human beings are also subject to instinct like animals, to growth like plants, even and perhaps most obviously to gravity like rocks. Does an analogous type of participation make sense also upward? Do animals in some respect foreshadow human freedom? Do plants and rocks? Aquinas does not pose that question, but he poses a close one. He asks whether reason in the human being comes superadded on top or transforms

the whole organism. He answers that reason transforms the whole, at least virtually. It is not that our brain is rational and our toes are animal; our toes are rational, too (I.76.8). Humans have instincts “meant” to be rationalized. Fight-or-flight develops, under the right circumstances, into the virtue of courage, a habitual or sedimented rationality about when to dare and how to retreat. As humans form good habits, instincts get *rationalized*. We might now say that the brain moderates the limbic system, or the cerebral cortex retrains the amygdala. Each level recapitulates the others: the running tiger instinctualizes physics; the judo fighter rationalizes it. For Aquinas, the whole body is protorational, waiting to be rationalized, toes not excepted. You can also put that the other way around: in forming habits, the considered, deliberated judgments of reason become instinctual.

Not only the human being, but on a different level all creation is protorational, in that the Logos created it and destined its return. If that’s so, human beings, with a share in the Logos, should be able to tell. So Aquinas can hardly avoid thinking that if human beings are animals who can change their proximate ends by reason, then other created things can modify their ends in analogically appropriate ways. Consider how he describes mental development: “over a long time, by a few, with a great admixture of errors” (I.1.1): if form is alike in minds and things, then the world must work that way, too. Thus evolution of animals also takes place over a much longer time, by a miniscule few, with an enormous admixture of maladaptation. In Aristotle, none of that need imply conscious direction. Rather, consciousness itself imitates natural, unconscious process (the mind imitates crystals). But if nature should *become* conscious, that’s not inappropriate. Form comes out. For Aquinas, who does apply the tropes of consciousness to the Creator, it still marks the Creator’s transcendent intimacy with creation, that God can be with things in a manner appropriate to them, so that for Aquinas too it’s appropriate for God to hide (or appear) under form.

Now, it marks modern science, whether in quantum foam or genetic mutation, to credit development or devolution to random disruption. Random process sounds like the opposite of teleological process. Can an Aristotelian say that God hides or appears under randomness? Can a theologian see disruption of order as other than the chaos that God overcame? Aquinas, if not Aristotle, has positive

things to say about both contingency and diversity, and he thinks deeply about how form and contingency relate. For Aquinas, God's rule over the universe does not avoid but provides for contingent events, that is, events that happen without created necessity. The scriptures constrain Aquinas to think more deeply about contingent events than Aristotle does, because the scriptures teem with contingent, historical narratives, remote from teleological necessity.

God wills, Aquinas says, that necessary things happen necessarily, and that contingent things happen contingently (I.22.4c and *ad* 1). With that he opens a way for contingent, unpredictable developments, such as the evolution of stars and animals. He does little to elaborate the role of contingent or random events in the evolutionary development of irrational things. But he does a great deal to elaborate the role of contingent events in the development of rational creatures. Almost half the *Summa* – the *Secunda pars*, that great innovation in moral psychology – insists and focuses on the role of contingent events in the development of rational creatures, human beings. In human development, contingent events provide ineliminable opportunities for the development of excellence, or virtue (Bowlin 1998). Contingency trains and habituates response over time. A virtue is a skill that responds best to contingent events, the response likeliest to conduce to happiness in the very long term. Under those circumstances, contingency provides the sort of unpredictable difficulties that expose weakness and exercise excellence. In Aquinas's hands, if not Aristotle's, virtue is not just dynamic, but its dynamism – its very development – *depends* on appropriate disruption. For Aquinas as for Darwin, excellence is impossible without contingency. For Aquinas as for moderns, constants keep contingency within wide bounds, which he and we call law (Bowlin 1998). The language of teleology may remain uncongenial to modern natural science, but under Aquinas the space for development of stable and replicating structures in response to random events has grown indefinitely large.

I have moved from the development of an individual, to development of species and beyond. That road, you say, leads straight to Lamarck. But no. Aquinas would not claim that changes in individual development cause change in the species. He would just insist that a variety of developments under contingency look alike for a reason. Development is not the *same* process in a species and

in an individual, but it is an analogous process. Little would prevent Aquinas from holding that contingent events serve to develop excellences also in inanimate structures and animals. Indeed, it would be hard for him to rule that out. Random events cause responses in animate and inanimate structures. If those responses lead to disarray or death, they count as what Aquinas would call misfortune for the star or the frog; if to success or survival, they count as fortune. “By a few, over a long period of time, with an admixture of many errors” (I.1.1). Successful DNA habituates the fortunate results of contingent mutation; unsuccessful DNA kills off the unfortunate results of others. Contingency habituates, in mind and world alike. The mental development Aquinas taught us to call “habit”; the environmental development we have come to call “habitat.”

For Aquinas, both created things in the human habitat, as an extrinsic principle, and the human habit of seeking to understand, as an intrinsic principle, lead the human being to God. Created things lead to life with God, both by their own structure (the science in things), and by human participation in the structure of God’s mind (the science in minds). Aquinas takes from Aristotle what you might call a strong anthropic principle that things and minds are made for one another. *Entia*, things that be, just are also *intelligibilia*, things that engage understanding. (Plenty of room for theoretical entities here.) Aquinas departs from Aristotle, in supposing that there is much to be said about the Maker, such as that God made humans and things not only for one another, but for Godself; and that God made humans so intimately and drastically for Godself, that God became a human being. (Thus these are no longer *entia-intelligibilia*: these are *revelabilia-credibilia*, a larger, not contrasting category.) Indeed, Aquinas quotes the patristic axiom that God became human, that humans might become divine (III.1.1). There’s an anthropic principle for you.

To express the shock that God has fit human beings for God, Aquinas uses several metaphors, including friendship, marriage, monarchy, and republic. But the metaphor that predominates recalls a natural shock, the shock of understanding. Aquinas often names the final consummation of the human being’s destiny in God, by the consummation of the human desire to know: he calls it *scientia*, science, *Wissenschaft*. One of the best analogies Aquinas can find for

the call of God and humans to one another, consummated in heaven, is the call of things and humans to one another, consummated in natural science. What makes us human is our desire to understand; we desire to understand both so that we can ourselves order our acts toward our ends, and because understanding makes us happy. What makes us perfect humans, therefore, is to understand completely (which is not to say statically), or to have science. For Thomas Aquinas, science and theology are not at odds; they are in analogy, a kind of strict harmony or ontological rhythm. To separate them would tear the human being apart. Things – matter, energy, space, time – lead human beings to virtue, and virtue leads them to God. Or better, God leads human beings to Godself by virtue, and cultivates virtue with things. As a rule, God does not deal with human beings by bypassing things, because that would violate rather than perfect their nature. Bypassing things would be sloppy, and God is elegant. Creation *ex nihilo* means that nothing is in principle alien to God's purpose, and that means that no thing is immune from the human desire to know it, and no thing can finally thwart God's desire to use it to bring human beings to Godself. Aquinas finds the God-leading nature of things inscribed in that famous verse from Romans: "The invisible things of God can be known from the things God has made" (1:20). He deploys that verse to warrant arguments both in cosmology and in christology – since he regards them as part of the same discipline. The God-relatedness of all things, and the fittingness of the incarnation, both exemplify, on different levels, God's courtesy toward rational creatures in making the visible manifest the invisible. Indeed, the incarnation is fitting just because God relates all things to God in the Word.

Accessibility: objection and reply

I return to take up the objection about accessibility. You might think that revelation is a purely mental illumination that floats free from material particulars, and thus departs from other kinds of science. But that would be wrong. In fact, Aquinas suspects illuminations that bypass the physical. He treats them under the category of "rapture." He can't deny them, because he thinks Paul

had one. But he makes much of their incommunicability. Something not first in the senses does not suit the human mind well enough to pass into language. Rapture, therefore, brings nothing stably linguistic enough to confirm or deny. Therefore, Aquinas can rule rapture out as a source of theological learning. It doesn't function. At best it spins, but it leaves reason unmoved.

Now there is one sharp distinction between the science that is sacred doctrine, and the sciences that are natural. Both are involved in hierarchies of first principles, so that (say) chemistry depends on physics. Aquinas faces a choice about where the continuity of chemistry and physics lies. Does it lie in the things themselves, or in the scientists who know? You might say that the chemist learns his physics from other people, without having its first principles by experience in his own mind, and that therefore the continuity is personal (in the teacher) rather than principial (in the structure of reality). And in an earlier stage (in the *Contra Gentiles*) Aquinas treated theology that way (Corbin 643–692). Depending on an insufficiently Aristotelian notion of revelation, he had thought that Christians believe sacred doctrine because God teaches it to them. In that case, the objection would be right: natural science was accessible, sacred doctrine inaccessible.

But later, in the *Summa theologiae*, he abandoned that view (Corbin 705). Now sacred doctrine is a science because it has a principled structure. It is a science, a followable structure of reality, apart from our notice, in the way that other Aristotelian sciences are: because things show themselves, manifest their form. For God as for frogs, the more the form reveals itself, the more discipline is possible. For theology as for biology, the more revealed it is, the more scientific it is (Rogers 1995:21–30). So Aquinas rejects the comparison of accessible and inaccessible (as earlier chapters have said): rather, all science considers inaccessible things *made* accessible. Both in cosmology and in christology he quotes that verse: “The invisible things of God can be seen from the things God has made” (I.2.2sc; III.1.1sc; and other places). There is now one category, not two. No longer the accessible/inaccessible, but the *made*-accessible. No longer is theology defined in terms of what has been revealed, but in terms of what is revealable, a technical term, *revelabilia*. And all things whatsoever, *omnia quaecumque*, are revealable, lay themselves open for God to know them (I.1.3, where Benziger translates

“all things that have been revealed,” as if the Latin were *revelata*, but that’s wrong: the Latin is *revelabilia*, revealables). If you think that’s an extravagant hypothesis, you’re right: it’s a hypothesis of creation *ex nihilo*: All things whatsoever are waiting to be known, because nothing in the world escapes God’s eye.

But if science is a followable structure of reality, then followable *by whom*? And if all things whatsoever are created to be known, known *by whom*? Aquinas continues to hold that the end of human existence is the saturation of the desire to understand, when we come to share God’s knowledge in heaven. But now he wants to make a distinction. We cannot hold the objective, principial structure of sacred doctrine in our heads, because that would be to know the infinite and to possess God. In the *Summa*, Aquinas calls sacred doctrine a science because the discipline itself has a principled structure, but not because any living human being can have it in mind. That would blow our minds, literally. Thus again the paradox that readers of this book have seen before: At least in this life, theology is a science without scientists. Just because the *scientia* of the next life is analogous to and the satisfaction of the science of this life, natural science and theology both have to be sciences – even if the *scientist* of each is different. The science of God satiates the science of nature, and therefore they rhyme. The difference between them is good. The light of glory shows all things at once with God’s own vision; reason shows things one by one over time. *Reason is nothing other than the appropriate manifestation of glory in time.* The light of reason is the light of glory *created*. That is an appropriate equivocation. It is to say that the light of reason is the light of glory *shared*, shared by God with what is other than God, shared so that creatures can not only know, but desire to know, can not only desire but stretch and run to know. In working to understand, human beings become both most themselves, and most like God.

Theology in this life is a descriptive discipline, like anthropology. It calls its practitioners believers rather than scientists, because description is only on the way to understanding. Its real scientists – its natives – are only God and the blessed in heaven. Theologians are the second-hand ethnographers of a city they have only heard about, but never visited, the City of God.

But that is not a hopeless case. Ethnographers and native informants share skills. They become like one another. If you read

ethnography, you see the anthropologist looking for an informant with skills like hers: attention to detail, a nose for meanings, skills of relative distance and translation. A certain connaturality develops between ethnographers and their informants with their shared skills. Sacred doctrine has at least one native informant, one with excellent anthropological skills. Jesus Christ, according to Aquinas, actually enjoys the beatific vision, possesses the science human beings seek, the native informer about heaven. He is also God's Logos made Anthropos, God the anthropologist, who attends and returns to us human beings as if we were his own first principle. Christ, for Aquinas, guarantees the hopefulness of the theological enterprise, because there is one who can, in Aristotelian language, "reduce the potential" of the human being for happiness "to act." All created things are in potential to their end: so the stone falls – if pushed. And the human being understands – if taught. The incarnation causes human understanding to fall, as it were, into place. God's Reason itself comes down, not to overwhelm human reason, but taking the form of a servant. God the Anthropos-Logos humbles himself, taking the form of a native informant, serving the subject matter (following Rogers 2006:171–172, 174–176).

Theology does not fail to be a science, on Aquinas's account, because revelation is inaccessible; he regards all science as the making accessible of the mysterious, as the shedding of light. But there is something right in the objection, and that is this: theology is more like ethnography than natural science. Like ethnography, theology depends on particulars. As Clifford Geertz said of cultural anthropology, it depends on "exceedingly extended acquaintances with extremely small matters" (21). Aquinas would agree with that, I think; he does not regard revelation as inaccessible, but he does regard it as particular; it treats of singulars. Theology is not one of the natural sciences, at least to us; it is one of the human sciences. It is the anthropology of God.

God can use science to bring human beings to God, by involving them in the trinitarian structure of the Spirit resting on the Son in the love of the Father. The Son and the Spirit indwell a human being in a way specific to rational creatures: as the thing known in the knower (*cognitum in cognoscente*) and the thing loved in the lover (*amatum in amante*, I.43.3). Anything structured or lawful belongs

to Christ, the Logos or Word of God, which both structures like a *ratio*, and saves like a *sermo*. So science is christology waiting to happen. Anything involving human desire belongs to the work of the Holy Spirit, the Gift of God, which both manifests like a fire and reveals like a lover. So science is also pneumatology resting on matter. The Holy Spirit, the Gift of God, characteristically looks for a gift to give the Son, who already has everything. So the Spirit finds new and creative ways for the Son to receive what he has. The Son loves matter so much that he has inscribed himself into the natures of things, into their *logoi*; and even so much that he has taken on a material body. The Spirit, in leading, following, accompanying, and resting on him, also befriends and accompanies things, working as it were paraphysically, alongside matter (Rogers 2005:99–104). The deep trinitarian principle of the Spirit celebrating the love of the Father and the Son repeats and reflects in creation and therefore in human beings. So the scientist wondering at the structure of creation reflects, at a distance, the Holy Spirit igniting love for the Son. The Father sends Son and Spirit into creation to return it to himself, involving them with the utmost intimacy in created things. By the Word and in the Spirit, God comes closer to things than they are to themselves. God conforms the structures of things to God's Word and moves the hearts of things by God's Spirit (I.45.6). Therefore, the more a science attends to the structure of things, the more christocentric it is, and the more a scientist is led by the things in the world, the more she is filled with the Spirit. The *Summa* places its teaching on creation *ex nihilo* immediately after the question on the sending of the Son and the Spirit in part to protect the claim that God so *differs* from creation, as to love it more than it loves itself (I.45.1). Indeed, it is just because God *transcends* the world, and *differs* from things, that God is able to come closer to them than they are to themselves (Tanner 12; Schoot 144–145). If creation's difference from God were *alien* to God, rather than *given* by God, its intimacy with the Word would be *less* than that of the creature to itself, and its bearing into God by the Spirit would be exile rather than homecoming. The doctrine of creation *ex nihilo* has a soteriological purpose and a trinitarian deep structure (I.44.1, 4, 45.7). It expresses the intimacy of God to things without compromise, as befits the incarnation of the Word. It expresses the orientation of things to

God without compromise, as befits the consummation wrought by the Spirit.

The best description of this is in Romans 8, where Paul describes trinitarian relations as contemplative prayer. In Romans 8, the Spirit leads human beings into the Son's relation to the Father. Aquinas elsewhere describes that relation as *scientia*, consummated contemplation. In the *Commentary on Romans*, even cosmological arguments for God's claim on creation get assigned to the Persons of the Trinity (§122). This is a cycle from science to science. Not that natural science leads to God without help. But it is characteristic of the Holy Spirit to use it. The Holy Spirit has to engage the intellectual faculties sooner or later. The Holy Spirit does not have to begin with science, but has to end with science. Science, too, is Trinity-shaped contemplative prayer.

Note

- 1 This chapter first appeared as Rogers 2010.

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How the Semen of the Spirit Genders the Gentiles

Rereading Romans

Aquinas uses “Gentile” to name a member of a community that lacks some kind of law, varying his usage according to which law he has in mind. Over the course of his Commentary on Romans he adapts the medieval sense of “non-Christian philosophers” (who lack the “law of Christ”) to the Pauline sense of “non-Jews” (who lack Torah). As it falls to the Spirit to reinseminate the Gentiles with law, so that Christ is born in them, Aquinas follows Paul to vary what it means to exceed the law of nature, so that he genders at first the Gentiles and then at last God as “exceeding nature.” In this Aquinas proves far freer with sexual metaphors than conservatives recognize, and closer to Paul than courts can countenance.

Well then, how does Aquinas’s interpretation of Romans accord with Paul’s?¹

Modern and ancient interpreters agree that Romans is about Israel and the Gentiles. But they have rarely applied that knowledge to the passage in Romans 1 about sexuality “in excess of nature.” In Jewish tradition, however, the connections between Gentiles and sexuality run deep. Not only did same-sex activity belong to Jewish ethnic stereotype against Gentiles, but in the first chapter of Romans Paul repeats the stereotype in its strongest form. Then at length he brings back the phrase “in excess of nature” to shock the audience with the God of Israel’s love of those same Gentiles (Rom. 11:24). Aquinas seems to notice this.

Paul wants Christian Gentiles to be alongside Jews. The Greek preposition for “alongside” is *para*, as in “parallel” (as earlier chapters have mentioned). Paul uses the same preposition to describe Gentile sexuality as alongside or in excess of nature, *para phusin*. Aquinas seems to see this, too. We use *para* today for those who work alongside others in such terms as “paralegal” and “paramedic.” The New Testament uses it in such words as “parable,” which calls for an explanation alongside it, and “Paraclete,” the advocate who stands beside. Jews are God’s people, says Paul, and the Gentiles are to be God’s para-people. Aquinas misses this, but he does change his mind about whether circumcision confers the grace of baptism (III.70.4) in light of a universal salvation of Jews (*In Rom.* 11:26, §916) and the idea that Jews need not repent (*In Rom.* 11:29, §927; Rogers 1997:324–325).

Paul does not use the word “para-people.” He does use several metaphors quite like it. He says over and over that Gentiles become God’s people by “adoption.” They become “fellow heirs” alongside Israel. God’s Spirit teaches these strangers to call God *Abba*, Father. And God acts “in excess of nature” (*para phusin*) to “graft” the Gentiles onto the domestic olive tree of Israel (*Rom.* 11:24). Against his own opening stereotype, Paul argues that the God of Israel loves Gentiles in a way that parallels or runs alongside his “natural” love for Israel, so that God’s love also exceeds what seems natural. Throughout Romans, Paul uses metaphors that extend the natural – adopting sons, grafting branches, adding heirs, teaching strangers to call God “Dad” – to express his astonishment at God’s love for the Gentiles. So Paul makes bold with the very same phrase, “in excess of nature,” to describe both the sexual intimacy of Gentiles with one another, and the God of Israel’s surprising, category-defying, beyond-the-natural intimacy with those same Gentiles. By Romans 11, Paul has painted the God of Israel as taking on a Gentile stereotype – exceeding nature – precisely in order to establish a saving relationship with Gentiles. (For more see Rogers 2011:364–365.)

To make his case in Romans, Paul pivots on one phrase, *para phusin*, alongside or in excess of nature, which first appears in chapter 1 and reappears with a different meaning in chapter 11. In chapter 1, the phrase stereotypes Gentiles as engaging in same-gender sexual practices. In chapter 11, it proclaims how the God of Israel loves the Gentiles in a way that parallels or runs alongside his “natural” love for Israel, paraphysically.

Paul expresses the religious and ethnic difference between Jews and Gentiles with biological metaphors: descent, genealogy, fatherhood. But Paul's preaching about the Messiah is causing his Gentiles to acknowledge the God of Israel as the one true God. That's a serious and complicated crossing of categories: non-Jews are coming to worship a God not their own, somebody else's God, the God of Israel. Appropriately, Paul's positive metaphors for Gentiles also defy categories, and do so by continuing to use biological or parabiological metaphors, but in ways that *extend* or *expand* the biological: *adopted* sons, *fellow* heirs, *grafted* branches, *teaching* those not born to it to call God "Father." The God of Israel loves Gentiles in a way that exceeds or adds to nature.

Paul finds the language of "grafting in excess of nature" (*para phusin enekentristheis*) particularly apt. Not only does grafting signal God's extension of biology. But by continuing to use the stereotyping words *para phusin* in this new context, Paul turns them to his purpose. Now they echo the word for "a graft," *paraphuas*. *Paraphuas* sounds like *para phusin*. Both expressions are formed of the same elements. *Paraphuas*, a graft, means "something added at the side of nature." Paul is making a pun, constructing his sentence so that the crucial word *paraphuas* appears not in the text but explodes in the mind of the hearer. He doesn't want to ruin the surprise: he wants you to get it. No listener to whom Paul had applied the charged phrase *para phusin* could have overlooked or forgotten it. It is a phrase that can ring across 11 chapters without trouble, the echo of which will still offend. Now the elements "in excess of nature" mean something new. Now they express Paul's idea that, with the arrival of the Messiah, God has placed Gentiles alongside Jews. Paul has succeeded in turning the stereotype to his advantage by reclaiming it. More than that. Adopted children, fellow heirs, and grafted branches all make metaphors that expand the natural by adding alongside. Jews are God's people "naturally"; Gentiles are God's people paranaturally.

Normal agricultural practice would have grafted the good fruit onto wild, more vigorous rootstock. But Paul's God has gone beyond that. Paul's God grafts the *wild* olives onto domestic roots. That's like grafting crabapples onto a Golden Delicious. This time, the God who began by making the garden of Eden plays not the sober farmer but the mad plant-fancier, crazy with the clippers and even giddier with the grafting, promiscuously inserting stocks into

unaccustomed clefts where they hardly seem to belong. In Romans 11, Paul portrays the God of Israel as saving Gentiles in an excessive, imprudent, exorbitant way. Paul turns stereotype on its head: if Gentiles are characterized by excess, then so is God, showing solidarity with them in precisely that characteristic. And yet by this excess the God of Israel does not cease to be the God of Israel, does not supersede or replace but exceeds himself (following Rogers 2009: 25–26).

In the course of his letter to the Romans, Paul has distinguished Jews and Gentiles only in order to unite them. That is what we lose if we assume that the sexual stereotype in chapter 1 is about sex. Sex talk is not always about sex. This time it is about Paul's rhetorical strategy: he repeats an ethnic stereotype, only to apply it with flipped valence to God, in order to astound the hearer with the shocking way God loves. Paul concludes with advice to those in the body of Christ who have disagreed with and stereotyped one another: "Rejoice with those who rejoice; weep with those who weep. Live in harmony with one another. . . . [S]o far as it depends upon you, live peaceably with all" (Rom. 12:15–18).

Aquinas anticipates that modern recovery of the ancient picture in surprising ways. What about the claim that *para phusin* is best translated as "against" rather than "in excess of nature"? Aquinas is well known for his analysis of same-sex activity as the vice *contra naturam*, or against nature. Even so he shows signs of knowing that the Greek *para phusin* is about excess, not contrariety, that *para* is not the same as *anti*, and therefore not well translated by *contra*. The Latin tradition hesitated before translating *para phusin* as *contra naturam*. Rufinus tried *extra naturam* (adds to nature); Tertullian *ultra naturae* (goes beyond nature); the Codex Boerneriani *secus naturam* (follows nature, Boswell 112 n. 69). The *Glossa ordinaria* preserved the sense of excess so that Aquinas (as we have seen) could still class the *vitium contra naturam* under the rubric of *luxuria*, excess (II-II.153.1; Jordan 136–158), rather than the modern sense of reversal.

Or what about the commonplace that the decline of the Gentiles in Romans simply represents the fall of all human beings? In western traditional accounts, the assumption of a universal condition in Romans depends on the Western Christian proposal of an inherited fall. Whatever you think of the fall in Genesis – and neither

Paul nor the Eastern Orthodox after him have that doctrine to go by – the decline narrative in Romans is not the same as the one in Genesis, because the fall in Romans comes not shortly after creation but at the time of Abraham. More important, the fall in Romans is not universal but differentiated. It's ethnic, to explain a different ethnic fate. The *Gentiles* fell into idol-worship, and for that God punished them so that idolatry would die out. In Romans there is no universal condition, but a destiny that yokes Jews and Gentiles together, a yoking that arises, by providence, from a differentiated history.

Not only contemporary Paul scholars like Dale Martin (51–64) know that. Even Thomas Aquinas knows that (Chapters 5 and 6). Even Aquinas knows that the decline narrative in Romans 1 serves to distinguish Gentiles from Jews. In fact, *some* features of Aquinas's *Commentary on Romans* line up with the best contemporary ones, because Aquinas seems to read Paul with the rabbis. Aquinas's commentary ties natural law less to abstract universals than to complex narratives about the decline and fall of particular groups. The supposedly perennial natural law receives a history. The supposedly universal natural law changes from group to group. Calling varying groups "Gentiles" according to which law they lack, Aquinas destabilizes universals, historicizes perennials, and shifts his views on Jews. Take up the invitation from Chapter 1 to open Aquinas's commentaries to the passages the *Summa* cites and you find that he implicates all law, even the law of nature, in a particular narrative of God's dealings with multiple ethnic groups, Jews and Gentiles. This Aquinas had learned (from whom?) about a fall into idolatry – distinct from an earlier fall into sin – because these vices "seem to have begun together with idolatry at the time of Abraham" (*In Rom.* 1:27, §151). They result from God's punishing Gentile inhabitants of Sodom for their injustice, by giving them same-sex desires that would cause them to die out (*In Rom.* 1:26–27, §§149, 151). In this text, same-sex acts do not first violate natural law and then incur punishment. Rather, same-sex desire *constitutes* the punishment for prior injustice and idol-worship (*idolatriae poenam*, §151). In this text, same-sex desire does not tempt gay people; God imposes it on Gentiles. In this text, it is less crime than punishment, and of a piece with ethnic stereotype. Those views would shock most current deployers of Aquinas, whether they follow him on

natural law or on the virtues. But they would not have shocked Paul's hearers.

Aquinas does not catch all of Paul's irony. But he does see that Paul's reuse of paraphysical language in Romans 11 must destabilize – if not revolutionize – rigid accounts of God and nature. Aquinas explains that God's acting *contra naturam* in Romans 11 *just is* "natural," in the analogical sense of "natural to God":

That which God does, is not against nature [*non est contra naturam*], but is simply natural [*sed simpliciter est naturale*]. Since every creature is naturally subject to God, whatever God does in the creature is simply natural, even if it is not natural according to the proper and particular nature of the thing in which he does it, for example when he enlightens the blind and raises the dead. (*In Rom.* 11:24, §910; cf. I.105.6 *ad* 1)

As a piece of conceptual analysis, this clarification may look pedestrian. But as a piece of exegesis it is remarkable. Aquinas's understanding of Paul prompts him to contradict the Latin Bible. The Vulgate says *contra naturam*: Aquinas says *non*. Aquinas replaces a negation, *contra*, with a positive emphatic, *simpliciter*. Aquinas is following Paul (and not the Vulgate) with remarkable precision. First he treats Romans 1 under the rubric of *luxuria*, or excess; then he treats Romans 11 with the procedure of analogy. What does Aquinas know, one wonders, about the underlying Greek? For Paul, too, has been more careful than the Vulgate, and described God's action as paraphysical. Aquinas's exegesis suggests (without mentioning the Greek, but in ignoring the Latin like a master) that what *para* builds in is precisely the analogical sense of what's "natural" to this God's character. For Aquinas, exceeding or moving nature belongs to God's character *simpliciter*. It belongs, that is, to God's identity as boundary-crossing spreader of goodness. Aquinas's commentary follows Paul to see the two occasions of *para phusin* as belonging less to a philosophical analysis than to a story, a narrative, in which God distinguishes Jews and Gentiles just in order to unite them, drawing boundaries in order to cross and transcend them, and to transcend them precisely by deploying creaturely history and time for an alternative material production, the production of peoples aware of grace. To paraphrase Aquinas in the

language of critical gender theory: To mobilize the creature for an alternative production (in this case, deification) is precisely what God does. The human creature is in medieval terms the moved mover, or in the language of critical gender theory the empowered activist or the *mobilized* mobilizer. For Aquinas, God is the mobilizer par excellence. God can be that because *Deus non est in genere*, “God is not in a category” – or, we might almost translate, God is not in a gender.

Paul’s “Spirit of adoption” too is paraphysical, and is so in a strict sense, if by adoption one comes to bear the image of the adoptive father, as Greco-Roman adoption theory supposes: The father’s *pneuma* (not only “spirit,” but seminal fluid) causes both biological and adoptive children to resemble him (Stowers 92–105). About the paraphysical implications of Paul’s theory of what it means to become “children of God,” Aquinas like Paul makes bold where moderns may blush:

And this is clear from the comparison to physical children, who are begotten by physical semen proceeding from the father. For the spiritual semen proceeding from the Father, is the Holy Spirit. And therefore by this semen some human beings are (re)generated as children of God. – 1 John 3:9: “Everyone who is born of God does no sin, since the semen of God remains in him [*semen Dei manet in eo*].”²

Now, *semen* in Latin means both semen and seed – but here Aquinas places the passage from 1 John firmly and without apology into a sexual context. Now, Aquinas usually genders the human soul feminine, to God’s male – and then removes God from a particular gender as beyond categories and source of all. For example, in the *Lectures on Matthew* we get the angel’s explanation to Joseph in a dream that “what is found in her womb is there by the Holy Spirit. Note that in the conception of other women, the semen of the man is the formative power (*virtus*), whose agent is the semen, and by this power (*virtutem*) the fetus is formed, and grows (*vegetatur*) in the body of the woman. In this case the Holy Spirit supplied the *virtus*.”³ This then is an earthier, more incarnate, and altogether more blushworthy theory of the “infusion” or pouring-in of the virtues. In the *Commentary on Galatians*, quoting the same

verse from 1 John, we read, “Now spiritual semen is the grace of the Holy Spirit, according to 1 John at the end, ‘who is born of God does no sin, for the generation of God protects him,’ etc. And this semen contains in virtue [*virtute*] the entire perfection of beatitude.”⁴ This image certainly puts the virile back into virtue even as it wrestles with the presumably Marian image whereby the Holy Spirit impregnates the human being, gendered feminine, with seminal virtue, bringing Christ to birth in her – or him.

But Mary goes unmentioned in Aquinas’s commentary on Romans 11. Here Paul has used the phrase *contra naturam*. In this passage, under Paul’s influence, Aquinas uses masculine pronouns without comment for both sides of a sexual encounter by which God regenerates Gentiles. Surely he didn’t have a sense of humor. Did he? In any case it’s in the spirit of Paul’s desire to shock – and it puts a different spin on how to be born again in the Middle Ages.

Notes

- 1 This chapter first appeared as Rogers 2011.
- 2 “Et hoc est manifestum ex similitudine filiorum carnalium, qui per semen carnale a patre procedentes generantur. Semen autem spirituale a Patre procedens, est Spiritus Sanctus. Et ideo per hoc semen aliqui homines in filios Dei generantur. – I Io. III, 9: ‘Omnis qui natus est ex Deo peccatum non facit, quoniam semen Dei manet in eo’” (*In Rom.* 8:17, §636). The Greek of the passage from 1 John is *sperma*. The observation that “semen” also means “seed” and recalls (say) the parable of the sower only reinforces the connection evident elsewhere in Romans between sexual and agricultural images. For more on medieval use of sexual metaphors, see Coon 278–300; Bynum 110–169; and Rogers 2005:120.
- 3 “Inventa est in utero habens de spiritu sancto. Nota quod in conceptione aliarum mulierum, in semine viri est virtus formativa, cuius subiectum est semen, et per hanc virtutem formatur foetus, et vegetatur in corpore mulieris. Hanc autem supplevit virtus spiritus sancti” (*In Mt.* 1:18, *lect.* 4 (*reportatio* = lecture notes by Petri de Andria)).
- 4 “Semen autem spirituale est gratia spiritus sancti. I Io. ult. Qui natus est ex Deo, non peccat: quoniam generatio Dei conservat eum, etc. Et hoc semen est virtute continens totam perfectionem beatitudinis” (*In Gal.* 4:29, *lect.* 3).

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Conclusion

Questions Answered and Unanswered

The frontispiece of this book shows a pair of mosaics that date from the building of the basilical church of Santa Sabina in Rome, AD 422–432. (The book cover shows a composite.) They depict *Ecclesia ex circumcisione* and *Ecclesia ex Gentibus*, the church from among the circumcised and the church from among the Gentiles, as standing female figures.

In 1222 Santa Sabina became the headquarters and mother church of the Dominican order. Aquinas lived in the monastery next door from 1265 to 1268 as master of the *studium*. He would have been daily in the church and seen these images over the west door every time he left from the front door or looked up from preaching. Their equal dignity may have improved his changing views of Jews (Rogers). Their resemblance to standing figures of law is no accident, as they derive from Roma and Constantinopolis, figures of the two capitals of the empire on late Roman coinage. Thus they transform paired images of imperial law into paired images of “the imperially sponsored Christian religion” (Rowe 47–48). They sediment the tradition of gendering law as female. They recall, in Aquinas’s time, an earlier tradition of ethnicizing the church as composed of Jews and Gentiles without denigrating Jews (although

Aquinas's *Commentary on Romans*, following Paul, denigrates Gentiles). And in the Latin preposition *ex*, which means "from" or "out of," they receive a movement, a history (even if *ex* does not, in Latin, mean "formerly").

This book has been about the religious use of legal metaphors and the continuing influence of religion on secular law. And it has been about the peculiar attempt to claim, on the authority of Aquinas, that one law – "the law of nature" (not depicted in the mosaic, but associated by Aquinas with the figure of the Gentile) somehow escapes the marks of religion, gender, ethnicity, and history – just when his biblical commentaries retain and insist upon those very marks. The law of nature, as discovered by Gentile philosophers, is not for that reason neutral – it is, for Aquinas, marked with the salvation history of Gentiles with Jews. The cover depicts the law as marked with gender and ethnicity, subjects that this book leaves both answered and unanswered – or, as Aquinas would say, disputed.

The questions of this book have hardly been raised before; the myth of a *philosophia perennis* has soundly suppressed them. How might Aquinas's recovery of the Aristotelian virtues open up (rather than close down) debates about nature arising from the scriptures or the natural sciences? What happens when a thirteenth-century account of nature as a dynamic principle of change meets a twentieth-century account of nature as static? What history does Aquinas himself ascribe to natural law? How does he construct the sexuality of Jews and Gentiles when he encounters the rhetoric of Paul? How does he gender nature itself to God's reinseminating *virtus*? How does he accommodate the Pauline and Augustinian emphasis on nature's frailty, failure, and fall? This book has at least not left those questions unasked.

It has answered some of them in these ways: Nature and its law have a history. They are not perennial. They are subject to human detention and divine redemption. Their story is religious all the way down. Those refusing this story in the new natural law movement appear within the story itself as the *philosophi in mundo*, the philosophers in the world. The story paints them as those who subtract from the law, by claiming to fathom it all: they suspect love as an emotion and reject virtue as subjective; they leave grace to go without saying, the better to hide it from the courts. Thus in Aquinas's diagnosis they lack – or they subtract – the "third

sign,” the Holy Spirit, and, like the Pelagians, invent a nature unreformed by grace.

In Chapter 1 we saw how determined (if rarely successful) their attempts have been to influence the US Supreme Court. In Chapter 2 we saw how carefully Aquinas protects the claims of theology *not* to know. Theology insists that it can and cannot know for the same reason: both the availability and the unfathomability of the world point to its lying in God’s hand, so that whatever God does with it becomes natural to it. When we come to the law of human nature, we see that its plasticity is what grace requires, so that grace can elevate nature without violating or exploding it.

In Chapter 3 we saw that the law of our moral nature is a tendency to see the excellence of virtuous people so that we grow to be like them. In this it enables us to live out our creation in the image of God, so that we acquire prudence analogous to God’s prudence and God’s image can grow into God’s likeness. Our participation in God’s prudence is therefore a capacity to be more used than stated, so that Aquinas can compare it to instinct, inclination, gravitation, local motion, and other things that come naturally; thus it happens *suaviter* (smoothly) and *promptior* (more clearly or readily) in acting than in deliberating. The words Aquinas uses to explicate law are poorly understood as referring to sentences. *Rationes* (ratios) describe the state of the world and adequate minds (not sentences) to it. Precepts are pre-apprehensions that move habits in act; in subsequent analysis they summarize exemplary acts to check them against the Bible. That’s because not only the law of nature but also Torah, New Testament, and the grace of the Holy Spirit bring the human being to participate in God’s providential ordering of the world toward Godself. Thus it belongs to the God-led, self-transcending openness of nature both to have faith (I-II.100.3) and to seek “the truth about God” (I-II.94.2). “Instruction” means God’s preparing or in-structuring the human being for virtue, as the Vulgate uses *instruo* to equip armies, furnish temples, and set tables. A *propositio*, often by mouth, makes a proposal, enunciable or comestible, especially the *propositio* of Jesus in the bread of the eucharist.

In Chapter 4 we saw that to interpret God’s providence by revelation requires the same virtues as to interpret God’s providence

in nature. In both cases Aquinas leaves the rules underdetermined so that the virtues can fill them out.

In Chapters 5 and 6 we recovered a central episode in the failure of natural law at the time of Abraham and distinguished its consequences for sexuality. In the accounts of Paul and Aquinas (and sometimes in the current practice of natural law), the limits that human beings put on God lead to injustice and ingratitude. Even natural lawyers might demur from Aquinas's conclusion (and Paul's) that God punishes the Gentiles with nonprocreative sexualities to kill them out.

After the low point of natural law's failure, we turned in Chapter 7 to the Aquinas of grace, heightening the contrast by comparing him to the Protestant theologian Karl Barth. They agree, it turns out, that the law of nature fails to lead human beings to the good and serves therefore to show a need for grace.

Chapter 8 painted reason and nature in their working form. They made sense not as building up, like the tower of Babel, from below, but hanging suspended down, like the flames of Pentecost, from above. An interpretation of the encyclical *Fides et ratio* confirmed that reading.

Chapter 9 returned to the open, dynamic, self-transcending character of Aquinas's nature by comparing it to the performed nature of critical gender theory. For him as for Judith Butler, "nature" is a dynamic principle of change built up concretely by iterated patterns of action that challenge the picture of a predictable, unidirectional teleology.

Chapter 10 therefore considered whether Aquinas might be able to replace the impersonal common noun "grace" with the person of the Holy Spirit who blows where she wills – and found that he can, in Romans 8, where the Spirit prays for those whose words and natures fail.

In Chapter 11 we recovered natural *science* as a form of trinitarian prayer. As in the life of the virtues, natural scientists use contingent circumstances to reveal nature's character. Natural lawyers would do better to take the same approach.

Chapter 12 compared the material of Chapters 5 and 6 to recent recoveries of Romans to show that Aquinas follows Paul better than many of his successors. Aquinas sees that Paul is writing about not

individuals but communities of Jews and Gentiles. Aquinas sees that Paul has gendered Gentiles in complex and changing ways. He sees that Paul has marked the nadir of nature's decline with a sexualized rhetoric of bondage and gender variance. Although Aquinas does not see that Paul is exposing a Jewish stereotype of Gentile sexuality, he does see the irony that this is a set-up for grace. He sees that Paul is contrasting Jews and Gentiles only to reunite them, and he sees that Paul deploys the sexualized rhetoric to deliver the shock of God's paraphysical intimacy with those same Gentiles. Aquinas is willing to flip the valence of the paraphysical not only as a philosophical concept, but even to the extent of calling the Holy Spirit the semen of the Father and allowing that semen to remain in the righteous.

But those conclusions open for future research as many questions as they answer.

Take Aquinas's confession, at III.70.4c *ca. med.*, that he has changed his mind on whether circumcision, like baptism, confers justifying grace. He permits himself the remarkable *quod etiam aliquando mihi visum est*, "as I once saw it myself." Aquinas does change his mind, but he almost always prefers to let no announcement mar the logic of his presentation. How often do we find Aquinas speaking of himself in the first-person singular? What changed his mind? Was it the ancient mosaic of the *Ecclesia ex circumcisione*? Was it rabbis? Was it noticing that in Romans it is the Gentiles whom Paul others, and not Jews? We have begun to ask what Aquinas means by "Gentileness" (*gentilitas*), but have hardly finished. Does Aquinas make space to notice that, in Paul's terms, most Christians in Aquinas's day and our own are Gentiles, Gentiles who worship someone else's God, the God of Israel, and not their own? And do these questions – not raised by the earlier scholarship about Aquinas on the Jews (Hood, Cohen) – provide any leads or difficulties for the late twentieth-century attempt to get beyond supersessionism in all its forms (Boguslawski, Marquadt, Rogers, Soulen, Bader-Saye, Wyschogrod)?

Take Aquinas's remarkable rereading of Isidore, in which he affirms a series of pro-law remarks only to empty them of content. How can we keep alive a discourse of natural law virtuously used – one that sifts convention for justice and shows gratitude for what we do not know?

Take Aquinas's remarkable freedom with sexual metaphors, in which the Father joins himself to nature by the semen of the Spirit to make sons of God. What shall we make of the conjunction of sexuality with the Trinity, which is after all sexuality's source? What shall we make (different question) of the male gendering of the image, even though "God is not in a genus," or even in a gender? What do we make of nature's penetrated role, especially when we no longer think it's less than male to be female, or for that matter a penetrated man? What shall we make of the implication that this penetration, whether in or beyond gender, generates an excellence gendered male, called *virtue*?

Take Aquinas's association of "Gentile" nonprocreative sexuality with death, and his commitment to a renewed and radicalized nonprocreative sexuality that imitated Paul and Jesus to testify to the resurrection. How does Dominican monasticism enable him to read narratives of a changing nature?

We have hardly begun to read Aquinas historically, much less to ask him the questions of critical gender theory either for law or for the virtues. Indeed, except for Corbin, we have hardly begun to read Aquinas diachronically at all, as if he never underwent any development himself. We have hardly begun to liberate his open, gracious, and self-transcending theory of nature from the stereotype of a teleology that knows it all. We have hardly begun to take seriously his vision that God's communication of goodness in creatures requires a manifold diversity (I.47.1), or that the Spirit, bringing forth virtues, could indwell and enact a multitude.

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